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THE NEW REPUBLIC

July 8 & 15, 1978

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from Washington
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Round and Round

We took Eddie to the amusement park last week. It was his first merry-go-round. Music blared, lights flashed, the carousel went round and round. It was an old amusement park of the trolley car era, almost abandoned. Empty halls invited you to ride the Dodge-em; squeals rose no longer from the hurtling chute-the-chutes, long since dismantled; fortune-teller booths were empty; the swimming pool was dry. Forty years ago crowds, tumult, excitement. Nothing is sadder than a decrepit amusement park: just the merry-go-round and wraiths of former fantasies. This one is at Glen Echo, 10 miles from Congress—which seems fitting. . . . The calliope starts, the lights flash, the gong sounds, the prancing horse begins to move and Eddie's three-year-old eyes sparkle in ecstasy. He is going up and down, round and round. Going nowhere.

Ideas get worn out, too, in Washington. They are lively at the time and take you around the park, and then go out of fashion. Here's a quotation from a famous economics professor, Alvin Hansen of Harvard, uttered long ago to a congressional committee. It was when the United States was top dog in everything; in military might, in the world economy. "American producers, with their mass production techniques," he said matter-of-factly, "can undersell any competitor in automobiles, radios, typewriters etc." That was 1945. The era was fading even then.

There was another sign last week. Representative Michael Harrington, maverick liberal from Massachusetts, isn't running again. At 41 he is going to retire after nine years in office. That makes about 57 representatives and senators who are quitting—a record; many of them are bored. Harrington says he is caught in a "tyranny of mediocrity," and what the House needs is a "major institutional restructuring."

The Senate is caught in a protracted traffic jam, too; one of the worst in history. It used up five weeks on a filibuster over the labor reform law

without being able to let the majority vote on the measure. It went round and round and got nowhere. The Panama Canal treaty took from early February to mid-April; that one Carter won, but by just one vote. The most extraordinary delay of all is on the energy package which has been before Congress 14 months. Other democracies are incredulous; European newsmen stationed here explain again and again in their cables about our quaint separation of powers that sometimes produces deadlock. To Europe it looks like a toper on a jag; they note the \$45 billion trade gap, the decline in the dollar, the appeals of the president. Isn't Congress Democrat too? they ask. Recently Carter has been talking tougher. He warns Congress that if it won't act he will impose import fees to achieve the same result as his unpassed crude oil equalization tax. Last week the senators, led by the oil states, counterattacked; they voted to block such a move. Press Secretary Jody Powell said Carter's reaction to the new Senate move was that it was "pretty disgusting."

The public asks, what's going on? The American tradition is to hold the president responsible for what happens: if it rains it's his fault. He came to office with an overload of promises (which this column, perhaps too leniently, has tended to discount; it's the politician's occupational disease). But when Carter has tried to deliver on some of his pledges Congress has dragged its feet. Congress pales before the handgun lobby, pals with the Korean lobby, grovels before the big oil lobby. Carter would be better off sometimes with Republicans, like Harry Truman. You could at least understand what was going on. No tax reform, no welfare reform, no energy package, no health insurance. Carter is generally taking a tougher stance. I thought he handled his press conference last week quite well. He shows a strong command of factual detail. Congress, he said at the start, isn't considering my tax reform, it is proposing a tax giveaway to the rich costing the Treasury two billion dollars. "Eighty percent of its tax benefits," he said, "would go to the one-half of one percent of American taxpayers who make more than \$100,000 a year." Three thousand millionaires under it, he said, would get tax reductions averaging \$214,000; those under \$20,000 a year would get "no more than 25 cents." He delivered the punch line with what I thought was considerable relish for a Sunday School teacher: "Neither the public nor I," he said, "will tolerate a plan

that provides huge tax windfalls for millionaires and two bits for the average American."

This is not just sparring between political adversaries. Jimmy Carter goes to the Bonn summit conference July 16-17. America's economic leadership will be at stake; more so, perhaps, than at any time since World War II. Allies will look Carter over. Can this curious American deliver the goods? The hidden issue is whether Western cooperation can be retained; whether individual countries in the global trade tension will go protectionist, each trying to export unemployment. That way we could have a depression like the 1930s. What is Carter's record of achievement on foreign affairs that will make Europe and Japan listen to him? He got the Panama treaty through; he won the Middle East warplane fight, but Senate Democrats voted 33 to 28 against him. He urged Congress to lift the 1974 arms embargo on Turkey—no result. His foreign aid program is in the worst danger of its 30 years; he is making desperate efforts to salvage it; the success of the World Bank may be at stake; the US now ranks 12 on the list of 17 aid-giving industrial democracies in ratio of assistance to national product. Now it may sink further. All in all the record is not one to give the US full credibility at Bonn.

The political problem in Washington, I think, is the new demonstration of the institutional weakness by Congress. The White House increased its power for years before Nixon. Then after Watergate and Vietnam Congress reasserted itself. Now the merry-go-round is making another lap. Congressional failure to act on energy is shameful. More than that, it is dangerous. Former chief of staff General Maxwell Taylor in the summary article on "The Soviet Threat: Myths & Realities" (The Academy of Political Science, \$5.95) weighs the military danger from Russia; in his expert opinion it is not from a direct attack on NATO, or on the US, but an oblique nonmilitary interruption of our supply of essential minerals—particularly oil. Why should Moscow risk nuclear retaliation, he asks, when, by stirring up the Middle East—a new Israeli war, for instance—America's vital energy supply might be disrupted?

You must decide for yourself about Carter. But I have deep reservations about Congress. In fact we may be back where we started, before long, in another cycle of presidential ascendancy. Is that a calliope playing?

THE NEW REPUBLIC

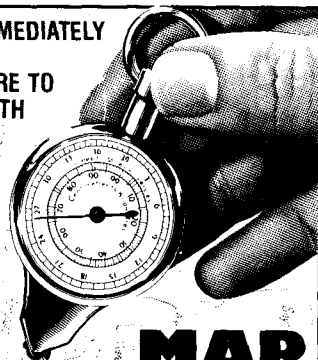


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Contents

TRB from Washington	3	Round and Round
Comment	5	The Court's Affirmative Action Tit for Tat Stop Financing Terrorism
	7	Correspondence
Eugene J. McCarthy	10	Cabinet Crisis
David Blum	12	Houston's Illness
Tad Szulc	14	No Bonbons for Bonn
Morton Kondracke	15	The Impotence of Being Anwar
Eliot Marshall	19	Frothing and Foaming
Ken Bode	21	New Life for the Oldest Profession Arts and Lives
Stanley Kauffmann	28	Theater: "One Never Knows, Do One"
John Canaday	30	Art: This One We'll Keep
Michael Ullman	31	Jazz: Horace Silver Books Considered
Christopher Lasch	34	The Family, Sex and Marriage in England, 1500-1800 by Lawrence Stone
Edwin J. Kenney Jr.	37	Illness as Metaphor by Susan Sontag
Helen Featherstone	39	A Place for Noah by Josh Greenfeld
Edith Milton	40	Violet Clay by Gail Godwin Blue in Chicago by Bette Howland
Katherine Auspitz	42	France, 1848-1945 by Theodore Zeldin
David A. Andelman	43	The Yugoslavs by Dusko Doder
Celia Betsky	45	Reconsideration: The Trilogy of Josephine Herbst
Washington Diarist	50	The Big Time

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July 8 & 15, 1978



The Court's Affirmative Action

When Allan Bakke applied to the UC/Davis medical school for the second time (according to Mr. Justice Powell's opinion issued last week), he had the misfortune to be interviewed by the man he'd sent a letter to complaining about discriminatory treatment the first time around. This man, a Dr. Lowrey, wrote that he found Bakke "rather limited in his approach" and that he was disturbed by Bakke's "very definite opinions which were based more on his personal viewpoints than upon a study of the total problem." As a consequence of his disapproval of Bakke's opinions, Dr. Lowrey gave Bakke a lower rating than the five others who reviewed his application, and probably as a consequence of that one low rating under Davis's elaborate quasi-numerical admissions system, Bakke was not admitted.

Having probably been denied admission to medical school because of his strongly-held opinions, Allan Bakke will now be admitted for the same reason. The United States Supreme Court, after invalidating Davis's minority admissions program, held that since Davis can't prove it wasn't this program that kept Allan Bakke out, they must let him in. But the courts aren't about to apply that standard retroactively to everyone who was ever denied admission to an institution with a now-disqualified affirmative action program. Essentially, Bakke is getting favored treatment for bringing what the Court regards as a socially useful piece of litigation.

All of which says two things about the social system that produced last week's landmark case of *University of California Regents v. Bakke*. One is that life will always be unfair and capricious in ways even the Supreme Court is not equipped to deal with. The second is that it's a remarkable arrangement—as any foreigner will tell

you in amazement—to leave this kind of social decision up to the courts.

On this occasion the Supreme Court seemed as uncomfortable with the arrangement as anybody. And it is not clear exactly what the court decided; there was no majority for any one view. Still, by our reading, if each of the nine justices really means what he said it will be the very rare affirmative action program that is disqualified under the *Bakke* standards. Government institutions and institutions receiving federal aid will be able to continue almost all their current efforts to help minorities, especially if they're willing to engage in a bit of dissembling to satisfy Justice Powell, the swing vote.

The court broke down this way. Four justices—Brennan, White, Marshall and Blackmun—believe that "reverse discrimination" programs of almost any sort do not violate either the Constitution or the 1964 Civil Rights Act. Another four—Stevens, Burger, Stewart and Rehnquist—believe that any discrimination on the basis of race, however benign, by an institution receiving federal aid violates the Civil Rights Act; therefore these four said it was unnecessary to discuss the constitutional question. The ninth justice—Powell—believes that it is permissible for institutions to take race into account as a "factor" in their admissions decisions, but that Davis's system of reserving 16 places for minorities goes too far in institutionalizing explicit racial discrimination. He particularly admires the subtle way they do it at Harvard.

The result, after some simple addition, is that five justices believe the Constitution permits almost all current forms of "affirmative action," and four have expressed no opinion on the subject (limiting their discussion to explicit quotas under the Civil Rights

Act). This hardly reflects what the Reverend Jesse Jackson was quick to identify the day of the decision as "a shift in mood from redemption to punishment."

The majority justices struggle mightily to fit the very modern problem of discrimination in *favor* of formerly disadvantaged minorities into their traditional analysis of the 14th Amendment's "equal protection" clause. The clause itself simply forbids a state to "deny to any person within its jurisdiction the equal protection of the laws." The Supreme Court has developed what constitutional scholars call a "two-tiered analysis" to flesh out the Constitution's slender admonition. Since every state action benefits some people more than others, the vast majority of such actions are entitled to only "ordinary scrutiny." But those that affect "fundamental rights" or benefit people on the basis of a "suspect classification" get "strict scrutiny." There's been a lot of legal erudition spent on what's the difference between these two types of "scrutiny," but the practical effect has been that state actions discriminating in unsuspicious ways (between criminals and non-criminals, for example) are upheld while suspicious forms of discrimination are knocked down. Discrimination on the basis of race has always been the clearest "suspect classification."

Justice Powell and the other four justices who discuss the constitutional question have two very different explanations of why state actions making distinctions on the basis of race are not automatically invalid in the case of "reverse" or "benign" discrimination. The theory of Brennan, White, Marshall and Blackmun is that a racial discrimination that operates to the disadvantage of whites is not as suspect as one that operates against blacks or other minorities. The purpose of the equal protection clause, by this line of thinking, is to protect the "discrete and insular minority" (to quote from a 1938 Supreme Court footnote that is the most famous footnote in American jurisprudence); it is intended to help the kind of group that is least able to protect its own interests through the political process, and so must be protected from the tyranny of the majority. Whites simply do not qualify for this special constitutional protection. Therefore the justices propose that "racial classifications established for ostensibly benign purposes" be subject only to a sort of middle level of scrutiny, which they describe as "strict and searching" but not necessarily "fatal." Under this standard any affirmative action or reverse discrimination program could survive as long as it did not stigmatize or burden any group "least well represented in the political process." That is to say, you could not reserve places for Chicanos by denying them explicitly to blacks.

Justice Powell's theory is that racial distinctions are equally suspect no matter whose ox is gored, but in the case of most affirmative action programs the suspect classification endures "strict scrutiny" and survives it. (The last time an explicit racial classification survived

allegedly "strict scrutiny" was in the Supreme Court case upholding the internment of Japanese-Americans during World War II.) Powell believes that a university's need to maintain a diverse student body is a "substantial" enough goal to justify even a suspect racial classification, but the particular method the institution chooses must be "necessary" to the achievement of that goal. Powell doesn't consider rigid quotas "necessary," when other affirmative action methods are available. This is why he voted to invalidate the Davis scheme, while upholding the general right of institutions to use race as a "factor" in their admissions decisions.

Since Powell is the determining vote on today's court, it is important to try to understand how far he is willing to go in approving affirmative action programs. His objection seems to be not to quotas alone, but to any system that doesn't treat "each applicant as an individual in the admissions process." What he likes is: "an admissions program . . . flexible enough to consider all pertinent elements of diversity in light of the particular qualifications of each applicant, and to place them on the same footing for consideration, although not necessarily according them the same weight." What he doesn't like is: "a classification that imposes disadvantages upon persons like [Allan Bakke], who bear no responsibility for whatever harm the beneficiaries of the special admissions program are thought to have suffered." The coming legal battles over specific affirmative action programs will be fought over these phrases. What about a system that uses a rigid formula of some sort for admissions, and automatically adds 10 percent to the minority scores, but has no set number of minority students in mind? Is this really constitutionally different from a system (like Harvard's) that weighs race along with other factors, but doesn't use a mechanical formula for any of them?

One oddity of Justice Powell's opinion is his suggestion that *any* form of reverse discrimination—even quotas—is lawful if it has been ordered as a remedy following a judicial, legislative or administrative finding of past racial discrimination. This is a loophole big enough to drive a bus through—and indeed its purpose is to preserve earlier court decisions upholding busing and other explicitly racial remedies for civil rights violations. But it creates the anomalous possibility that UC/Davis could reinstitute its minority quota program if, say, the University of California Board of Regents were to issue an official finding that the university had in the past discriminated against minorities in medical school admissions. Surely there are few institutions that could not substantiate such a self-incrimination if they wished to impose a rigid reverse discrimination system on themselves as a "remedy."

We share Justice Powell's belief that the crucial moral

(continued on page 8)

Correspondence

Perón redebated

To the editors:

Tyrants, it would appear, will never want for defenders. It would appear that the late General Perón has found such a revisionist in the person of Mr. Joseph A. Page (Correspondence, July 1). Mr. Page simply refuses to believe that General Perón was a tyrant, and he assumes that a long list of dogmatic assertions will somehow make his case more persuasive.

He claims that my article in the June 17 number of *TNR* is "riddled with factual errors and distortions," and then goes on to make 20 factual errors and distortions of his own.

Mr. Page denies that Perón used the word *descamisado*, which he claims was invented by the dictator's enemies. In fact, Perón often addressed his votaries as "my *descamisados*," and his movement's political anthem was entitled "The March of the *Descamisados*."

Mr. Page to the contrary, Perón remained a disciple of Mussolini to the end of his life. As a young officer, he studied in Italy, and after World War II he employed the services of many former Italian fascists. He also openly admired Hitler, and, after the war, he turned Argentina into a haven for Nazi war criminals.

Mr. Page denies that Perón was ever Minister of Labor. In fact, his title was Secretary of Labor and Social Welfare—a secretariat that eventually became Ministry of Labor in 1945—and he used that position as a springboard to power. It was while he was Secretary of Labor that he began to channel funds into the General Confederation of Workers, which was to become one of the pillars of the Peronist movement. He was assisted in all this by Evita Duarte, who rallied the meat packers to his cause when he was arrested in 1943.

I don't know what Mr. Page's definition of "left wing" is, but Hector Campora, the obtuse Buenos Aires dentist who ruled Argentina briefly in 1973, has styled himself as "a man of the left," and during his short tenure he surrounded himself with urban guerrillas and disciples of Fidel Castro.

Mr. Page wishes to downgrade the role played by José Lopez Rega during Perón's last stay in the Casa Rosada by

insisting that the former Buenos Aires policeman wasn't ever a traffic cop. In fact, as Lopez Rega informs us in his autobiography, he worked for several years as a traffic cop before being promoted to the position of bodyguard to Perón. Later he became Perón's closest adviser, and wrote most of the old dictator's last speeches.

Mr. Page denies that Mrs. Perón is being held at a resort for officers and their wives. In fact, she is presently housed in the commander's house at the Azul naval base, a place that is often used by high-ranking military officers and their wives as a holiday retreat. She is reported to devote most of her time to reading comic books and astrological charts.

Many of Mr. Page's other assertions are simply a matter of his own taste and opinion. For example, he finds in General Perón "a peculiarly Latin sex appeal," which, I confess, I do not find at all in the old despot. Mr. Page objects to my use of the words "brutal tyrant" to describe Perón, so I must assume he has some special definition of those words that renders them inapplicable to a man who murdered and imprisoned thousands of his countrymen. He also dislikes my association of Perón with Franco, but surely he knows that Perón came to Franco's aid after World War II when all the rest of the world was shunning the Spanish dictator, and surely he knows that Perón spent the bulk of his exile in Madrid where Franco named a street after him. Mr. Page would do well to study the history of Argentina before he rushes to the defense of Perón again.

Peter Witonski
Washington, DC

Gotcha!

To the editors:

A few weeks ago, *TNR* readers were requested to support the public school system by enrolling their children there. Now we read ("Washington Diarist," June 17) that the editor's oldest child graduated from "one of those private

institutions." This is typical of the behavior that George Wallace has always ridiculed the liberals for—prescribing behavior for other people without following it themselves.

Charles Warburton
Ambler, Pennsylvania

Icy reception

To the editors:

John Taft's article "The Old Refrigerator" (*TNR*, June 3) is one of the more unfair pieces I have seen in a long time. How anyone could be supercilious about a life of service to his nation of the quality of Ellsworth Bunker's is hard to imagine. His diplomatic skill over the years has produced results rather than histrionics and has achieved settlements of issues rather than their exacerbation. His toughness to insist on what is important for his country while at the same time recognizing the importance of reaching compromise solutions has been the mark of Ellsworth Bunker's career. The only question about him now is what new and possible challenge this nation might offer him, such as figuring what we really should do about Africa. Of all the people in public life who deserve praise, Ellsworth Bunker stands about number one, and I am deeply disappointed in the way *The New Republic* has seen fit to characterize him.

William E. Colby
Washington, DC

Timeless observation

To the editors:

When universities are considering instruction in ethics ("Teaching Morality," *TNR*, June 10), it is timely to bring up Gibbon's comment on the emperor Marcus Aurelius's failure to pass on his philosophy of government to his son Commodus. "But the power of instruction is seldom of much efficacy, except in those happy dispositions where it is almost superfluous."

W.C. Randels
Palo Alto, California

issue in the debate over affirmative action is protection of the individual. (See "Disadvantaged Groups, Individual Rights," *TNR*, October 15.) The trouble with many affirmative action programs—certainly the trouble with quota systems such as the one at Davis—is that they substitute simplistic group identifications for evaluations of individual worth. There are two problems with such programs. One is that they demean and insult both those who are admitted and those who are excluded as a result. The other is that they encourage group hostility and suspicion in society at large.

Justice Powell wrote last week that the United States has become a nation of minorities. "Each had to struggle—and to some extent struggles still—to overcome the prejudices not of a monolithic majority, but a 'majority' composed of various minority groups of whom it was said—perhaps unfairly in many cases—that a shared characteristic was a willingness to disadvantage other groups." This is the underside of the ethnic diversity that is one of our nation's greatest strengths. A crude emphasis on group characteristics rather than individual strengths by institutions dispensing society's favors encourages this unsavory, competitive aspect of groupthink. In the long run it undermines the generous desire to help disadvantaged individuals for which Americans of all groups are justly renowned.

Tit for Tat

It was detente week in Washington, but tough-guy time in Moscow. On Monday, President Carter proclaimed his "deep belief that the underlying relationship between ourselves and the Soviets is stable and that Mr. Brezhnev, along with myself, wants peace and wants to have better friendship." Swiftly two accused Soviet spies and an American businessman accused in Moscow of currency law violations were released to the custody of their respective ambassadors, apparently signalling a pause in the petty war of tit for tat that had been going on between the superpowers for several weeks.

But just as State Department officials were starting to sigh with relief, the Soviets started up the game, harassing two American correspondents with a phony libel complaint. The reporters, Craig Whitney of *The New York Times* and Harold Piper of *The Baltimore Sun*, had written in their papers that friends of a Soviet dissident doubted the validity of his televised confession. For this the Americans were ordered to stand trial on civil charges of "publishing in the foreign press slanderous information denigrating the honor and dignity" of the Soviet government television system. The penalty for

conviction would be an order for retraction or a fine or, possibly, expulsion from the Soviet Union.

The charges are ludicrous even under Soviet law, since the alleged libel took place in New York and Baltimore, outside the jurisdiction of any Soviet court. The serious question is, why are the Soviets doing this? It could be, as some State Department optimists hope, that part of the Soviet police bureaucracy hadn't got the message that it was time to be polite to the United States again. It could be that the Soviets thought they could get one last nasty lick in before politeness resumed. It could be that they don't intend to be polite at all. We ought to know right soon. If the Soviets don't drop their ridiculous charges, it will be a sign that they *want* to be petty, and we can play the game, too. We will leave it to Zbigniew Brzezinski to decide just how.

Stop Financing Terrorism

It has begun to occur to our leaders, at last, that the Western nations are helping to finance the international terrorism of which they are the victims. Recent steps by the Carter administration, prodded by Congress, to use America's economic muscle in the battle against terrorism are long overdue.

Several anti-terrorism bills have been introduced in Congress in recent years. One—the Omnibus Anti-Terrorist Act, sponsored by Senator Abraham Ribicoff—has been winding its way through Congress and is likely to become law. It would require the president to publish a list of countries that aid and abet terrorism. It also would require certain retaliatory measures, including commercial sanctions and denial of landing rights to the airlines of nations that harbor air terrorists. Airline pilots favor this law, and so do we.

The administration already has begun to act in the spirit of this legislation. It has begun with Libya, by holding up the sale to that country of \$400 million worth of US trucks, airplanes and spare parts. Libya is a sensible place to begin: it is the headquarters of the terrorist international, and even takes public pride in this role. Its ruler, Colonel Muammar el-Qaddafi, is the financial patron of those who conduct the war of the few against all in the Netherlands, Japan, Egypt, Israel, Kenya, Colombia, Jordan, Ireland and Britain (where he ecumenically funds both Protestant and Catholic extremists), Italy, France, Lebanon, Spain, Germany and the United States.

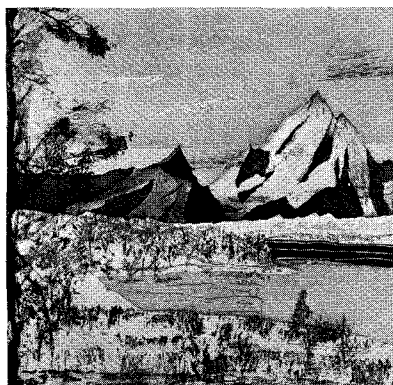
Qaddafi has been described as a "nut" by Anwar Sadat and as "insane" by the Shah of Iran. He himself recently said that the contemporary world "gives me psychological problems." Unfortunately, Libya's great oil wealth and its miniscule internal needs have made it possible for Qaddafi to project his psychological

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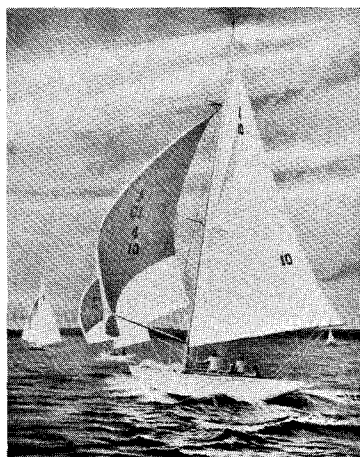
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Louis Toffoli's original lithograph *Femmes a la Potiche*. Signed limited edition of 125.

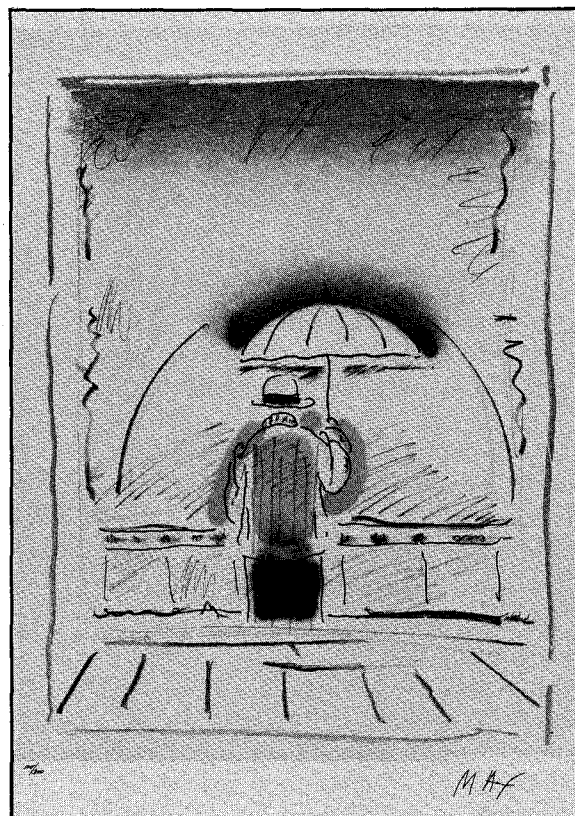
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problems around the world. He's ready for mischief when the opportunity presents itself close at hand, as in Africa. But distance does not deter him, nor always ideological consistency. The prospect of innocent blood on the streets seems enticement enough. The destruction of Israel remains his highest priority, and various PLO factions are among his best cared for beneficiaries. But he also wishes to destroy the Saudi regime. After the OPEC meeting last month, his oil minister said with menace, "When some countries have a free political will, we'll have a stronger OPEC." Saudi Arabia is at the top of the list to be "liberated." In addition, he is always eager to provide support to random murderers throughout Europe and elsewhere, provided they assert the rationales of Marxism or the fervor of Islam. Here in the United States, his favorite charity is the violent fringe of the movement for Puerto Rican nationalism.

The American manufacturers who are losing some lucrative deals are annoyed, and assert that the cutoff will have no effect. Oshkosh Truck Company, which was ready to sell \$72 million of trucks to Libya, argues that the Libyans will just turn to West Germany or France for trucks (or perhaps to Italy's Fiat, of which the Libyan government now owns 13 percent). But so far, at least, the Europeans have not rushed into the breach, and there is reason to hope that the US example will encourage them not to. After all, Europe has suffered far more than the United States from Qaddafi's adventurers.

There is another way we might set an example for the civilized world which, if followed, might do even more to rein in Qaddafi's rampaging psyche. In a more confident age when wickedness was recognized for what it was an effort to quarantine the aggressor would have seemed natural. Now it seems hardly imaginable. But a more limited tactic may be more plausible. It is suggested by the US trade balance with Libya for 1977: we sold \$314 million of goods, while we bought more than ten times as much—\$3.8 billion, almost all of it oil. That is where we matter to the Libyans—not as sellers

but as buyers, and increasingly important buyers. In 1973 the US took just six percent of Libya's oil production; in 1977 we took 33 percent. We are Libya's most important customer.

By buying Libyan oil we are subsidizing terrorism. In a peculiar form of petrodollar recycling, we also are subsidizing the Soviet military establishment by providing hard currency for Libyan purchases of Soviet military hardware. If we want to restrict Libya's ability to finance international terrorism, we should shut our markets to its oil. The administrative problems would not be difficult, and any oil companies heavily dependent on Libyan crude could be compensated for the disruption to their business.

The condition of the international oil market right now makes this a most advantageous time. The worldwide economic slowdown has combined with the new production of oil in the North Sea and Alaska to create a slack in the market. OPEC's capacity is 36 million barrels a day, but its production has been down to 29 million barrels. This excess is the reason OPEC did not raise its prices last month. This market condition is likely to last for five or more years.

Thus it is much more a buyer's market today than it was in the early 1970s. This means we do have some choice about from whom we buy our oil. Nigerian or Indonesian oil could substitute very well for Libyan oil in our refineries, and both these populous countries could use the additional revenues for constructive purposes. We also should look for new sources of oil in promising areas owned by our Latin American allies—Mexico, Argentina and Venezuela. If we have some choice, in other words, we should buy oil from countries that share our interests.

SUMMER SCHEDULE:

We will omit issues on
July 15 (next week) and
on August 12 and
September 2.

Califano and Bergland play
a game of chicken.

Cabinet Crisis

According to the Associated Press, a most serious cabinet crisis has arisen. It is a dispute between the Secretary of Health, Education and Welfare, Joseph Califano, and the Secretary of Agriculture, Robert Bergland, over whose department will have the authority to inspect meat and eggs. The critical issue has to do with chickens. Almost anyone can grade beef and pork or candle eggs. But chickens are different.

There has been no contest in the federal government so delicate since the dispute 10 years ago in the Senate

HOW WEIGHT AFFECTS GAS MILEAGE

THE SAVINGS CAN BE DOUBLED IF WEIGHT IS REMOVED IN THE DESIGN STAGE.

A designer can reduce the exterior dimensions of a car by a few inches and turn it into a major improvement in gas mileage. That's because smaller is usually lighter, and a lighter car doesn't need as much gasoline to go a given distance as a heavier one.

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We used the multiplier effect when we designed our current 1978 midsize cars. To illustrate how this works: if you were to take 100 pounds of golf clubs out of your trunk, you might, depending on the car, save about five gallons of gas in 10,000 miles.

But if you take the same 100 pounds out of a car in the design stage, you won't need as large an engine, transmission, and other components to get good performance. So you can make components smaller and more than double the gas savings. That's what we try to do.

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But weight isn't the only thing that affects mileage. Tire inflation pressures are important, so are lubricants. And an engine has to be properly maintained: one defective spark plug can knock down mileage by as much as ten percent. And remember, keep a light foot on the gas pedal; the way you drive may still be the most important thing of all.

So far, in our new resized cars, we've been able to reduce weight while still meeting all the safety standards. In these new cars more

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This advertisement is part of our continuing effort to give customers useful information about their cars and trucks and the company that builds them.

General Motors

People building transportation
to serve people

over which committee—Public Works or Interior—had jurisdiction over solid sewage. That contest, as I recall, was won by the Committee on the Interior. It argued that its claim to jurisdiction was more fundamental, and that the sewage disposal plants and treatment plants, controlled by Public Works, were incidental to the main process.

The argument started when Secretary Califano suggested that meat and egg inspection be shifted from Agriculture to HEW. Secretary Bergland is holding his ground against this proposal. He is doing this despite his remark that he did “not intend to get in a turf fight with anybody.” (A turf fight in a chicken yard would be something else.) Bergland deserves credit for taking a principled stand. Anyone of lesser character and dedication, knowing as much about chickens as our secretary of agriculture does, would quickly give up responsibility for chicken inspection to Califano. Secretary Bergland, a country boy, is trying to save the innocent, city-born and city-reared Califano from rushing in where country-bred secretaries like Bergland may not fear to tread but do know enough to walk cautiously.

Bob Bergland has been tested. He has been there at the assembly line or, rather, the dis-assembly line on which chickens are killed, scalded, plucked, dis-assembled, cooked, packed and frozen in neat packages. He has seen the farmers’ wives working among the vats of chicken fat, earning more money to send sons and daughters to the university.

Bob Bergland, as an old farm boy, also has been through the more primitive experience of killing of old Plymouth Rock hen. It is tragic when her time comes, after six years of laying brown eggs among the white ones of the Leghorns. Now unattractive to the rooster, laying no more eggs, faking it on other hens’ nests, caught in the act, and taken to the woodpile in the winter of execution . . .

*There was the quick stroke of the axe,
The one first and last upward cast
Of eyes that had in life looked only down,
watching the ground for worms and seeds
And for the shadow of the hawk.
Now, finally those eyes are covered
by eyelids closing from the bottom up.
Decapitated, she did not act like
A chicken with its head cut off.
But like an English queen, no last indignity.
No pirouettes, or summersaults.
But with wings that had never known flight,
she flew straight into the woodpile,
and there beat out slow death,
while her voice ran out in blood.
And then the scalding and the plucking of no purpose
No goose feathers from her for a mattress,
No duck down for pillows,
Not even a feather for a quill pen.*

*And in the opened body
No entrail message for the haruspex
Not one egg of promise in the oviduct,
and in the gray gizzard, no diamond, or emerald,
but only half-ground corn, evidence
of unprofitability.
The body—breast and legs, the pope’s nose, the strong heart
and wings and things, fit only for
chicken soup and stew.
And in March, near winter’s end
When blooded and feathered wood was burned
the odor of burnt offerings.*

Let Bergland keep the duty.

Eugene J. McCarthy

Eugene J. McCarthy is a former US senator from Minnesota.

Police brutality is only the symptom.

Houston’s Illness

They read like Chicago gangland-style murders: Joe Torres is pushed over a 16-foot embankment into a downtown bayou. Sanford Radinsky is shot to death in a hotel room. A black man, carrying nothing but a Bible, is killed at point-blank range. A young runaway is shot and killed, and the assailants later plant a weapon next to his body to indicate a struggle. The mayor, after the last victim is found, calls a press conference to say: “There is something loose in this city that is an illness.”

The city is Houston, the victims are defenseless bystanders or petty criminals and the killers are the police. The illness, as former mayor Fred Hofheinz put it, is a tolerance and fear of a police department that brutalizes the people it is empowered to protect. Behind the Hofheinz declaration is a question: who will protect Houston from its police?

Weapons are plentiful in Houston. Until a year ago, the police routinely carried .44 caliber guns on the beat. David Berkowitz, the “Son of Sam” killer, came from New York to Houston two years ago to buy his murder weapon. On a radio talk show last summer, the host told a telephone caller that it was “perfectly alright” to shoot a prowler if he was walking on the front lawn. At stop signs and red lights, a glance to the left or right is likely to turn up at least one rifle strapped to the rear window of a pickup truck. Perhaps it was the preponderance of guns in Houston that led several police officers to assume that a man walking down the

middle of a neighborhood street one evening last year was armed and dangerous. They stopped him, and as he reached inside his coat to pull something out, the officers shot and killed him. Inside his coat was a Bible.

A suspect armed with a pair of scissors lost a gun battle with a police officer last year when caught inside a store late one night. It wasn't even close; when the officer finished shooting his first round of bullets he paused, reloaded his gun and began shooting again. The policeman's gun fired 13 shots, while the suspect's scissors fired none.

Sanford Radinsky, a Houston lawyer, did have a gun at hand when detectives broke into his hotel room one night with a warrant for his arrest. He didn't fire it, but the police shot him anyway and killed him in his bed. He had been charged in the warrant with a misdemeanor drug offense.

The most celebrated case—and the first to result in indictments against the officers involved—began on the night of Friday, May 5, 1977, when several police officers stopped by an east side tavern in the Chicano neighborhood to check out reports of a scuffle. They found one, and promptly took custody of a 23-year-old laborer named Joe Campos Torres on disturbance charges. They handcuffed him and forced him, kicking and swearing, into the back seat of a patrol car headed for the city jail. Along the way, they decided to stop off at a secluded spot overlooking the Buffalo Bayou near downtown Houston. They removed Torres from the car, taunted him and beat him with his handcuffs still locked in place. After several minutes they took him to the station for booking, but the admitting sergeant looked at his battered condition and suggested they take him to a nearby hospital first. They left the jail, but instead of going to the hospital they returned with Torres to the Buffalo Bayou embankment.

The Buffalo Bayou is a shallow stream that forms the eastern edge of the city's core. The officers told Torres that they would release him if he could swim to freedom in it. It was a 16-foot drop into the water. The officers spread-eagled Torres against a patrol car and discussed what to do with him; then the ringleader, Terry Wayne Denson, uttered a line that was remembered and has been quoted again and again: "Let's see if this wetback can swim." He pushed Torres over the embankment and into the bayou, fully dressed in army fatigues and heavy black boots. Then he returned to his car and left the scene with his colleagues.

The following Sunday morning—it was Mother's Day—Torres's body was found floating face down in the bayou. His body was badly bruised, and an autopsy showed traces of alcohol in his blood. The next day, through the testimony of a young rookie policeman who had witnessed the beatings, the internal affairs division of the police department established the identities of those involved—Denson and his fellow officers.

The case was slow to attract attention from newspapers in Texas, but by summer reports on Houston's "Torres case" had reached the national evening news broadcasts. The Justice Department felt growing pressure to seek indictments against the officers under the Federal Civil Rights Act. Attorney General Griffin Bell, less than a month after taking office, had authorized federal prosecution for civil rights violations in another Texas police brutality case, but this time the Justice Department chose to wait and see what would happen in the state criminal proceedings.

The state trial for murder, held in Huntsville (70 miles north of Houston) with an all-white jury, resulted in a misdemeanor conviction and suspended sentence for Denson, 27 years old, and his cohort, Stephen Orlando, 22.

After the jury-imposed sentence was announced, even Texas Governor Dolph Briscoe, hardly a defender of Mexican-American rights, felt obliged to demand further investigation by federal authorities, as did almost every other politician in the state. Calls for indictments came from nearly all sides, but Harry Caldwell, the chief of the Houston Police Department, defended the verdict. "Justice has triumphed over demagoguery," he said.

Denson, Orlando and two others were indicted by a federal grand jury for violating Torres's civil rights by beating him and pushing him into the bayou. Three were tried and convicted, by an all-white jury in Houston itself. But then came the final blow: Judge Ross N. Sterling, a Gerald Ford appointee and former law partner of John Connally, let them off with a one-year sentence each. They could have been sentenced to life. Sterling, who imposed the sentence himself, told the court he believed that "substantial incarceration would have little effect on the Houston Police Department."

The Justice Department made an unusual attempt to appeal the sentence without challenging the verdict, but got nowhere. In the weeks that followed, protests were held and tempers flared; in late April, there was a night of rioting. Mild cries of outrage filtered in from other places: "If you are a Mexican-American in some parts of this country," said *The New York Times*, "you are

Coming:

**Robert Lekachman on
the taxpayer's revolt.**

well advised to stay away from the police." Unfortunately, there is no more legal recourse available.

Houston police officials have made public promises to increase recruitment of minority policemen, which has lagged in the past. The police officers' association also has attempted to clean up its professional image by purchasing full-page newspaper ads to declare its commitment to good public service and to mention surveys reflecting high levels of public confidence. Apparently the Houston public agrees with George Wallace, who said in 1965: "If we . . . were stampeded into doing away with all policemen that have been charged with police brutality, there wouldn't be hardly enough policemen in the United States today to even have a traffic control." This attitude is the real illness in Houston. Narrow reforms of police practices will not cure it.

David Blum

**Western leaders will bring mostly
sourballs to the economic summit.**

No Bonbons for Bonn

There is no reason to expect that the US will solve its basic economic policy problems in the foreseeable future, and this is certain to doom to failure the much-heralded Bonn summit conference later this month—no matter what the official communiqués will say. In other words, the economic outlook for the West will remain dangerously grim. The effects will be felt increasingly from Western Europe to Japan and the US.

The idea behind the July 16-17 meeting involving President Carter and leaders of Western Europe, Japan and Canada—a follow-up on a similar encounter in May 1977—is to produce a "package deal" designed to stimulate economic growth and employment in the industrialized countries, while containing inflation. But the harsh reality is that such a package of remedial measures, under intense discussion for the last six months, can work only if the US provides the necessary leadership and contributes adequately to international economic health.

The West German economics minister, Otto Lambsdorff, remarked here the other day after a final round of pre-Bonn consultations that everybody has to contribute to the package deal, and that the summit must produce success for "psychological reasons." The implication was that a failure would have deep adverse political repercussions in Western Europe where most of the governments, including West Germany's, are

holding onto power by the barest of margins.

But the US appears unable to make the required contribution in view of the steady deterioration of its own economic conditions. US oil imports, the most important single element in the equation, continue to be disturbingly high—47 percent of the consumption—and President Carter remains incapable of reducing them despite his pleas to the Congress and the nation. These massive imports have distorted the American trade balance with deficits piling up every month. The deficit in May was less bleak than in April, but this was due to a sharp reduction in steel imports rather than in oil. As a result of these deficits, the value of the dollar keeps shrinking.

The first half of 1978 was a disaster for the dollar. Even though the dollar has stabilized in recent months at extremely low levels in relation to the powerful West German and Swiss currencies—about 20 percent below the rates a year ago—it continues to depreciate against the Japanese yen. The dollar fetched around 280 yen last summer; it hit the postwar low of 205 yen on June 28, with the likelihood that it will soon fall under the psychologically crucial 200-yen line.

The main reason for the dollar's slump in Tokyo is the Japanese government's failure to restrict exports to the US and to increase imports of American goods, despite its repeated promises to redress this imbalance. Japan's trade surplus with the US last May, for example, was twice as high as in May 1977. The danger now facing Japan is that the Congress may apply protectionist measures against its goods (the US already regulates steel imports in general), possibly triggering a trade war.

The deficits with Japan might have been acceptable if it weren't for the massive oil purchases that constitute the primary weakness in American trade. Foreign economists, including West Germany's Lambsdorff, insist that a reduction in US oil consumption is a prerequisite for an improvement in Western economies that are so vastly dependent on the state of the American economy.

The Basel-based Bank for International Settlements, not given to alarming statements, warned in June that the Bonn summit is bound to fail unless Washington drastically cuts the oil imports. This, however, is not in the cards. On June 27, for instance, the Senate voted to prevent Carter from imposing import fees on oil. The president had threatened such fees if the Congress refused to accept a tax on domestic crude oil as part of the still-stalled energy program. The Senate's action will inevitably undermine Carter's position at the Bonn summit, leaving him with little more than expressions of hope that, somehow, the US will be able to curtail its appetite for oil. Because of this, the proposed Bonn package deal may well fall apart even before it is put together.

Another negative contribution Carter will bring to Bonn is the danger to the world economy posed by the

new surge in US domestic inflation. In April, the Consumer Price Index was running at an annual rate of 10.8 percent. Late in June, interest rates on 180-day Treasury bills—a closely watched barometer—reached the highest levels since December 1974, when the nation wallowed in stagflation.

All world economic factors are intertwined. The weakness of the dollar contributes to domestic inflation because Americans have to pay more for their imports. OPEC oil producers have agreed to keep the price at \$12.80 per barrel of crude for the balance of 1978, but this amount may well be revised upward if inflation doesn't abate—even though there currently is a glut of oil on the market. And higher OPEC prices mean higher inflation for everybody: it is a vicious circle.

The US policy regarding the worldwide economic doldrums is to encourage its Western partners and Japan to stimulate their economies so that they will crawl out of the pernicious recession dating back to 1974. This, among other things, would make it possible for them—and Japan is a principal case in point—to buy

more US goods. But the US has accepted the fact that, at best, economic growth in the West and Japan will be "moderate" rather than substantial. In a policy shift since last winter, the US no longer insists that West Germany play the "locomotive" role for the rest of Europe by overstimulating its economy. Washington finally has become convinced that Bonn will not risk inflation through overstimulation.

Thus the annual growth in West Germany is unlikely to go beyond the current 2.5 percent. Japan, which last January promised to achieve a seven percent rate, may reach 4.5 percent. Britain will be below four percent. France is expected to do a bit better than last year, but the projected 3.7 percent growth rate nevertheless remains inadequate.

In brief, there is little encouragement in the world economic picture as the Bonn summit approaches. The US clearly will be unable to reverse the negative trends as it can't even keep its own house in order. The best that can be hoped, therefore, is that the rhetoric of the Bonn summitry doesn't raise unrealistic expectations.

Tad Szulc

Sadat's pharaonic chutzpah—or is it hubris?

The Impotence of Being Anwar

by Morton Kondracke

If Anwar Sadat were overthrown tomorrow, it would be shocking but not surprising. The objective conditions are right. Sadat repeatedly has raised his people's expectations—for peace, for democracy, for relief from poverty—but has failed to deliver on any of them. His peace initiative is in tatters. His army is unequipped to make war. He has cut himself off from his Arab brothers. Egypt manages to pay its foreign debts, thanks to international charity, but its internal economy is hopelessly burdened by inflation, inefficiency and babies. The average Egyptian's standard of living gets worse every year as wages stay stagnant and prices of necessary commodities rise by close to 50 percent. Riots in January 1977 resulted in 70 deaths in Cairo, Helwan and Alexandria. A Western diplomat observed this month, "There is always a danger of a spontaneous explosion. An electric failure, a bad train wreck, a strike—anything could set it off."

And lately Sadat has been acting like a worried man,

reversing his own moves toward greater Egyptian democracy by cracking down on leftists, old-fashioned rightists and dissident journalists. One should not make too much of his new restrictions. So far, no one has gone to jail. Sadat does not maintain concentration camps and torture facilities, as Gamal Abdel Nasser did. People gab endlessly about politics in Cairo, even on the telephone when they can get a call through. But Sadat has moved to suppress written criticism of his policies, apparently fearing that the opposition press's "scurrilous" articles (as his friends call them) alleging corruption on the part of members of his family and inner circle, and the press's "constant harping" on the plight of the poor, would lead to violence.

It is now against the law to write or broadcast "biased or wrong or defamatory ideas contrary to the necessities of the state or social peace." Journalists are being called in to a prosecutor's office to answer for articles they wrote before the law took effect. Sadat

also has banned from political life a group of old royalist-era politicians who presumed to criticize the 1952 revolution, and he has made it an offense to advocate "principles against religion," apparently as a means of suppressing Communists whose activities, according to Sadat's friends, are directed from Moscow.

Some Western diplomats in Cairo claim that Sadat's political crackdown and the calling of a popular referendum to endorse it were not so much evidence of any fear of imminent trouble as just another case of "government by grand initiative." According to this theory, Sadat's dazzling strokes are designed more to keep people's attention diverted from the horrible circumstances of their lives than to actually solve Egypt's problems, which he knows to be intractable. The 1973 war, Sadat's break with the Soviet Union and quasi-alliance with the United States, the 1975 Sinai II accord and his dramatic journey to Jerusalem, on the international front; his abandonment of Nasserite socialism in economics and establishment of an "open door" policy designed to attract foreign investment, and his accordion-like expansions and contractions of political liberties—all of these can be seen as an attempt by Sadat to keep himself and Egypt afloat on an air-cushion of promises that somehow, things eventually will get better.

"I expect that pretty soon Sadat has to start running out of expedients," a Western diplomat said. This judgment is shared by the editors of *The Economist* of London, who observed last week that "Anwar Sadat is a president fast running out of surprises" and "the consequence of that may be that Egypt runs out of Anwar Sadat." The basis of the argument is that Sadat's key promises—to achieve peace with Israel and devote Egypt's energies to economic development—are being hacked apart by the inability or unwillingness of the Israeli government of Menachem Begin to declare that it will give up the West Bank and the Gaza Strip. Once the hope is gone from Egyptian political life, it is feared, Anwar Sadat will not be long in following.

However, the theory that Sadat's time is running out probably does not give adequate credit to the imagination, courage and brashness—*chutzpah* is a good word, even for an Egyptian—of Anwar Sadat. There is an

almost pharaonic arrogance about the man. He does not believe for a moment that he is in any trouble. He seems to think that he is somehow the embodiment of Egypt's revolution, destiny and people. He does not refer to Egypt's army, press or citizenry, but "my army . . . my free press . . . my sons and daughters." As the product of a poor village, he thinks he has perfect understanding of the aspirations of Egypt's peasantry. As a conspirator with Nasser in the 1952 Egyptian revolution, he thinks he knows all there is to know about military coups.

According to both Egyptians and Western observers, Sadat's arrogance—and not fear—accounts for his latest political crackdown. Sadat apparently views himself as the author of Egyptian liberty, and was deeply offended by what he felt was a misuse of that which he had bestowed. It was he who permitted opposition political parties to form, abolished pre-censorship of the press and discontinued Nasser's policies of arrest without warrant and imprisonment without trial. Sadat certainly has not created a Western (or Israeli-style) democracy, but he has permitted more freedom than Egypt had known before. However, he also deems it his right to withdraw freedoms when he thinks they have gotten out of hand. An American diplomat reported, once, hearing one of Sadat's parliamentary whips complain: "How dare the opposition criticize the government! It's disloyal to the country." Sadat apparently shares something like that view.

Sadat's *chutzpah* apparently led him to believe himself capable, virtually single-handedly, of establishing peace between Israel and the Arab world. His 1973 war exploded the myth of Israeli military invulnerability, in the view on his acolytes, and his Jerusalem visit was intended to win Israeli agreement to part with the Palestinian West Bank as well as Egypt's Sinai. Sadat's apparent strategy was massive employment of the arts of public relations to persuade Israeli citizenry, the Jews of the diaspora and the American administration, Congress and public to pressure Israel's government into making peace.

When Israel's government showed willingness to give up Sinai but not the West Bank, Sadat pulled out of negotiations "to accentuate the debate in Israel," a foreign policy aide said, "to demonstrate to the Israeli public that all was not going well in the talks, as their government was claiming." Sadat's recent threats to go to war in five years and to suspend United Nations authority in Sinai this October also seem part of the public relations strategy, as does Sadat's latest "counter-proposal" that Egypt control the Gaza strip and Jordan oversee the West Bank during a five-year interim period before the Arabs and Israelis arrive at a final peace settlement.

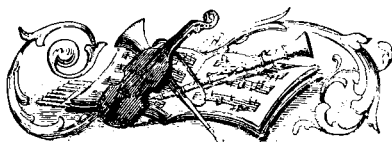
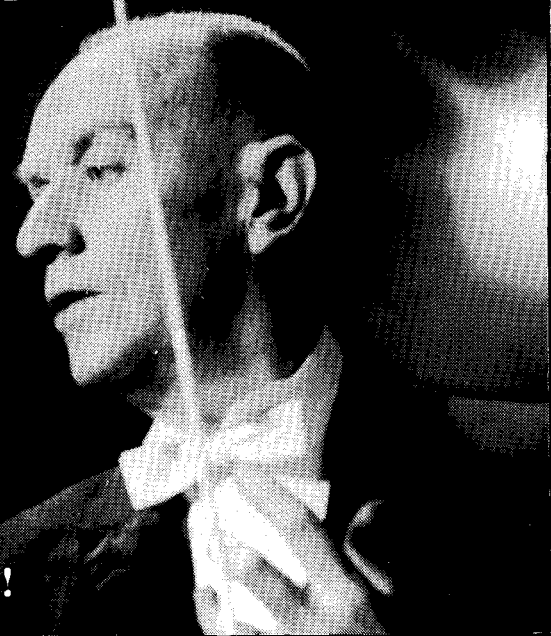
On its face, the main feature of Sadat's proposal is outrageous—calling for Israel to give up everything

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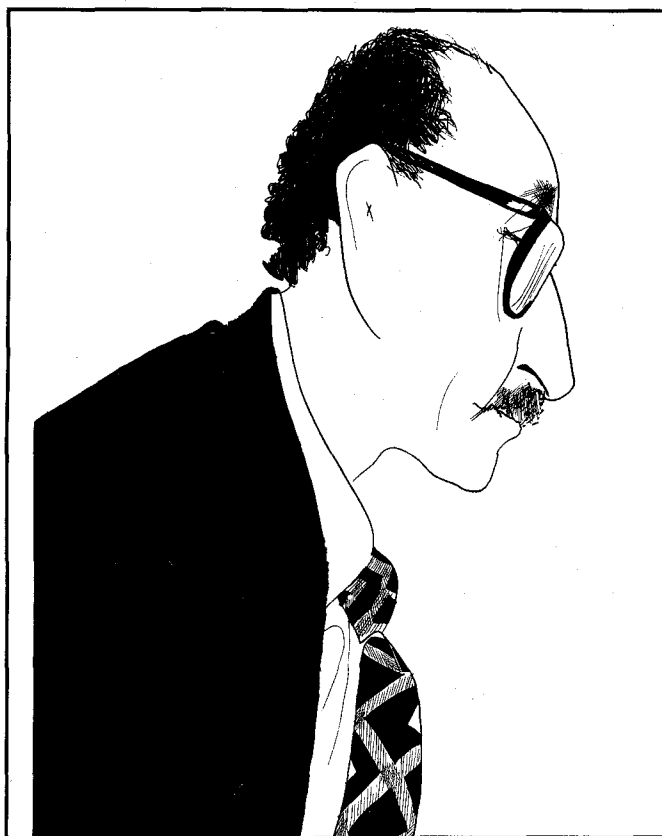
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before negotiations even begin. But, as often before, Sadat scored a public relations victory with it. Israel had been calling for a proposal from Egypt, and Sadat produced one containing elements to protect Israeli security that are worth negotiating. But Israel made the



Anwar Sadat by András Goldinger

error of rejecting it "unreservedly" on the basis of a Cairo radio report, without having actually seen what the proposal contained. Israel's action made the Begin government look intransigent again and made Sadat appear forthcoming by comparison.

But, as Sadat's most famous Egyptian critic puts it, "With all due respect to Walter Cronkite and Barbara Walters, you can't solve real conflicts with public relations." According to Mohamed Heikal—former editor of *Al Ahram* and confidant of Nasser, and one of the journalists now undergoing questioning in Sadat's crackdown—only an all-Arab strategy could lead to solution of the Arab-Israeli dispute, not an Egyptian strategy. "It is not enough for one man or one nation, with a sudden decision" to solve the conflict. "It can be solved only after a genuine, wide and deep debate within Egypt and the Arab world. Only then would Israel believe that peace was the genuine intent of the Arabs, and be able to accept it. Sadat delivered a message, but it was only a message.

There are three things to be said about Heikal's critique. First, the fact that a foreign journalist could call Heikal on the phone, make an appointment with him and have an hour's conversation in which he argued against Sadat's foreign policy is a measure of the lack of terror that is prevailing even during the

crackdown—a far cry from the situation that prevailed under Heikal's friend, Nasser. Second, if Sadat had sought an Arab consensus before going to Jerusalem, he never would have gone. And third, Heikal may be right—without agreement of all the Arab countries on a peace strategy, peace may be impossible.

If peace looks impossible, regardless of whose fault it is, what will Sadat do? Almost certainly, he will look first to the US to save the day. He would like the US to intervene right now as a full "partner" with Israel and Egypt by proposing an American peace plan. But the Carter administration is determined to remain in the role of intermediary until the last possible moment and, in the event of impasse, to suggest the minimum procedural or substantive "ideas" necessary to get the parties talking again. The administration wants to avoid at almost all costs the necessity of tabling a full-blown peace plan for the Middle East, largely because it fears Israel would reject out of hand any attempt to "impose" a settlement.

What Sadat would do in the event of a final breakdown of talks and the impending demise of his peace initiative may depend upon whether he thinks the US has kept faith with him. With *chutzpah*, Sadat tends to view Egypt's national interest as a matter of personal trust. When he stopped trusting the Soviet Union, he tossed out its advisers and hooked up Egypt's fortunes to the US. If he feels he has been deceived he might reverse the process, or look for some other political and military connection, perhaps European or pan-Arab.

Israel seems to be calculating that Sadat is so hungry for peace that if driven to it, he would sign a separate settlement, even though it means abandoning his fellow Arabs and earning their undying enmity. Some American officials think this is possible, but is getting more unlikely every day as Israel rejects formulas that would give Sadat "cover" for such a decision. An Egyptian editor said that "if Sadat made a separate peace, the people would raise him on their shoulders as the greatest hero in Egypt's history," but that he could not do it because "he feels responsibility for the whole Arab nation." Sadat almost certainly could not do it if it looked like utter capitulation to Israel.

Somewhere, there is a line between the *chutzpah* that leads people to do things other mortals fear to try, and the *hubris* that leads to disaster. Some friends think Sadat has crossed it—by trying for an impossible peace with Israel, by surrounding himself with sycophants who tell him only that he is wonderful, by believing his own judgments to be identical with Egypt's destiny, by doing everything alone, by focusing even on the wrong enemies—parlor leftists instead of a resurgent religious right.

Sadat might decide this year to move toward war as the solution to Egypt's problems, or he might try harder for peace. Or, he might quit and say it was time for someone else to rule. He could be assassinated

tomorrow by a Palestinian leftist or a fanatical Moslem rightist. I doubt that anyone knows what Anwar Sadat will do, perhaps including Anwar Sadat, or how it will turn out. Whatever it is, he will try to make it

wonderful, but it might be terrible. Will it be the product of *chutzpah* or *hubris*? The gods may know, but we will all just have to watch what happens and try to explain it afterwards.

Start crying in your beer.

Frothing and Foaming

by Eliot Marshall

It's one of those odd quirks of consumer behavior, if you see things as Miller Brewing Company does, that causes people to confuse Miller's domestic "Lowenbrau" beer with a German beer by the same name. Since last year the real German Lowenbrau light special and dark special beers have been banned in the US. You can't buy them here at any price. Instead, under an agreement between Miller and Lowenbrau, Miller now makes a domestic imitation of the beer and sells it in bottles that are virtually identical to the ones that used to contain the German beer.

When asked if Miller had used this elaborate packaging technique in order to trick buyers into thinking they were buying a German product, Miller spokesman Guy Smith replied, "Of course not." Why then has Miller gone to so much trouble to buy a distinguished German beer name, copy the Lowenbrau label, advertise the illustrious history of the German company and peddle a domestic brew in Lowenbrau bottles?

Miller's promotion campaign, though unlikely to affect the health or safety of consumers, provides a fascinating glimpse into big-company ad techniques. It shows how a large manufacturer, if it wishes to get ahead quickly, learns to shade the truth, wriggle around federal regulators who stand in its way and manipulate popular images to fit its plan.

If you want to know what Lowenbrau beer is made of, don't bother calling the Bureau of Alcohol, Tobacco and Firearms. This is the agency that's responsible for approving the labels and ingredients of alcoholic beverages sold in the US. The BATF has a long-standing policy of not divulging the contents of any liquor, wine or beer on grounds that it cannot give away company secrets. The Food and Drug Administration, which requires that the ingredients of all other foods be

made public, does *not* have jurisdiction over the contents of alcoholic beverages. It would like to have jurisdiction and it would like to publish the ingredients of alcoholic beverages. But so far it has been unable to persuade the BATF or the federal government to go along with the idea. It recently lost in court when it tried to seize the jurisdiction away from BATF. As a result, liquor consumers don't know what they're consuming.

Miller and its parent company, Philip Morris, also refuse to say what's in Lowenbrau because they claim it's a trade secret. But one wonders who Miller really wants to keep in the dark—its competitors or the public. Miller's chief competitor—Anheuser-Busch, the brewer of Budweiser and Michelob—seems to know what's in Lowenbrau. Anheuser recently filed a 32-page complaint at the Federal Trade Commission, accusing Miller of using deceptive advertising. In the brief, Anheuser makes a number of charges, one of them being that Miller's domestic substitute for Lowenbrau is brewed by methods that would not be acceptable in Germany. Miller's version of Lowenbrau wouldn't even qualify as beer in Germany. Specifically, the complaint says that the real German product is made of "100 percent two-row barley malt" and no chemical additives. The domestic substitute made by Miller is brewed of 72 percent six-row barley malt (a cheaper malt) and 28 percent corn grits. In addition, the domestic beer has "at least two non-natural additives" and one natural chemical. They are potassium meta bisulfite (an anti-oxidant), an unspecified enzymatic chillproofing compound and kelcoloid (a derivative of kelp used to improve foam). Anheuser claimed that the German beer is naturally carbonated (*krausened*) and fermented twice over a period of six weeks, while the domestic brew is carbonated by injection of carbon

dioxide gas and fermented once for nine days. Finally, while German dark Lowenbrau is brewed by an entirely different method, the only difference between light and dark domestic Lowenbrau is a little bit of food coloring. Miller refused to discuss the accuracy of this description of its brewing techniques.

Anheuser-Busch filed its complaint in November of 1977, requesting that the FTC make a formal investigation of Miller's ad campaign. It pointed out that in the last months of 1977, Miller planned to spend eight million dollars promoting its domestic Lowenbrau and planned to spend another \$21 million in 1978—an enormous budget. The ads are unfair, according to Anheuser, because they prominently display the German symbols and European brewing awards won by the real Lowenbrau while printing Miller's name in obscure type in difficult-to-spot locations. The FTC's consumer protection staff agreed with the complaint and wrote a 76-page memorandum urging the commission to take action against Miller—or at the very least to make a formal investigation.

The FTC staff memo, which was written after a brief and informal inquiry, claimed that stores and restaurants often listed Lowenbrau as an imported beer, and that many people seemed surprised to learn that it was a domestic beer. "Perhaps of greatest concern," the memo concluded, "should be the fact that Philip Morris, a major American conglomerate which ranked 9th of the 100 leading advertisers in 1976, spending \$149 million dollars in advertising . . . has embarked upon an advertising campaign of enormous cost to sell the American public a lie." It raised the possibility that if the FTC failed to act, other companies might begin buying foreign labels to attach to American goods. Kodak might try to sell imitation Nikons, Zenith might sell imitation Sonys and so on. The staff called for firm and prompt action to stop what it called a flagrant violation of consumer law.

That recommendation went to the Commission in February, and in late May the commissioners met to discuss it. The commissioners, of whom there were only four at the time, split up in a tie vote, two to two. The effect of this was to stall action indefinitely. While the FTC agonizes over the case, Miller continues to advertise as always. What particularly annoyed some FTC-watchers was that two high-level officials who argued strongly *not* to act against Miller before the vote was cast—the agency's chief counsel, Michael Sohn, and the chief of the consumer protection bureau, Alfred Kramer—represented Philip Morris and Miller when they were in private practice at the law firm of Arnold and Porter. Kramer could not be reached for comment. Sohn said that he had not removed himself from discussion of the case at the FTC because it did not touch on any of the specific matters he had worked on for Miller when Miller was his client. He said that he had done more than the administration's guidelines

required in recusing himself from all matters Arnold and Porter had had pending at the FTC when he left the firm over a year ago. "Do you disqualify yourself forever because you once represented a client in private practice?" Sohn asked.

Commissioners Paul Rand Dixon and Elizabeth Dole voted in favor of the staff recommendation to take action. Chairman Michael Pertschuk and Commissioner David Clanton voted against. Dixon was reluctant to discuss the FTC's confidential proceedings, but he said, "I thought [the charge] was strong enough that we ought to look into it and do something about it." He explained that nothing can go forward until the tie vote is broken: "It's just lying there. . . . We can't take final action until we get a clear vote." He doubted that the impasse would be resolved soon. "We got a new commissioner coming on here. We'll see what he can do. That'd be something if he's disqualified, wouldn't it?" And why might he be disqualified? "Because he's probably in the law firm where they worked on the case. Now ain't that a hell of a mess?"

It is a mess. The new commissioner just confirmed last week—Robert Pitofsky—comes from the firm of Arnold and Porter, where he worked on the Philip Morris-Miller account. He will, of course, recuse himself from the Lowenbrau decision. The effect of this is precisely the same as a vote in favor of his former client would have been: it stops the action. There is nothing illegal in having the FTC stacked with former Philip Morris attorneys, but it certainly assures Philip Morris that it will get a sympathetic hearing when it comes to town (or better yet—as in this case—that it won't have to come to town at all).

Miller could use some friends in Washington. So could Anheuser-Busch. According to a recent market analysis by the Wall Street firm of Sanford C. Bernstein, these two are about to clash in the biggest beer war of the century. The battle will be fought largely with ads and slick marketing campaigns, the very things the FTC is supposed to regulate. The Bernstein report found that "a fundamental change in the structure of the brewing industry is under way," a change that will wipe out many of the remaining small breweries and possibly knock off one of the larger companies. (Already since World War II the number of brewers in the US has declined from around 400 to fewer than 50.)

According to the Bernstein report: "The cost of maintaining or improving market share will be forced up materially in that share progress will become heavily dependent upon the ability to launch and effectively support new brands. . . . These trends significantly increase the competitive power deriving from large size, financial strength and marketing expertise. As such, they are expected to produce a further tiering of the industry wherein significant market share gains will be confined almost totally to Anheuser-Busch and Miller." The beer business, in short, is about to become

a lot like the cigarette business. Economic power will become more concentrated in two or three companies, the quality of beer will become more homogenized, brand names will proliferate and floods of advertising will descend upon the market. Propaganda skills will count for more than brewing skills.

According to University of Wisconsin economist Willard Mueller, it is no accident that this is happening to the beer industry just a few years after Philip Morris bought up Miller. He believes that the conglomerate follows a strategy of subsidizing new satellite companies—as Philip Morris has done with Miller since 1971—until the satellite gains enough raw power in its market to dictate its own terms of commerce. Mueller points out that Philip Morris increased its total debt between 1971 and 1977 by about one billion dollars. "Most of this," he claims, "was used (directly or indirectly) to finance Miller's expansion." Unlike Miller, the competing beer companies do not have the same degree of access to credit. Another thing that distinguishes Miller from the pack these days is that it spends more on advertising than other companies. According to Mueller, the company spends \$18.80 per barrel on Lowenbrau alone. Aside from corn grits, hype is the most important new ingredient in the beer.

A couple of years ago, Mueller tried to persuade the FTC and the Justice Department that they should prevent Philip Morris from acquiring Miller. He argued

that it was unfair to have a conglomerate buy up and subsidize a company that was competing against other companies that had no subsidy. Mueller was unsuccessful. The people at the FTC, he said, were either "gun-shy" or incompetent. As a result, he now predicts there will be a wave of beer company takeovers by conglomerates and mergers between competing firms like Schmidt and Schaeffer, Pabst and Carling. The government will have to permit these anti-competitive mergers or watch the companies go bankrupt. Mueller, by the way, is a consultant for Stroh, an independent brewer that wishes to remain independent.

The Miller company believes that the entire flap over Lowenbrau has been stirred up by its competitor—Anheuser-Busch—because the latter is losing ground in the market. Lowenbrau, Miller says, is competing with Anheuser's Michelob, which had no competition as a domestic "superpremium" beer until domestic Lowenbrau came along. There's some truth in this. But Anheuser's complaint is not as frivolous as Miller would have us believe. It has to do with the rules of conduct that big corporations must follow in seducing the public, and Anheuser clearly felt that Miller was behaving in an ungentlemanly manner. It looks as though no one cares. If Anheuser really has lost its case, perhaps it will now take a lesson from Philip Morris. Maybe it will quit rocking the boat, keep quiet about what's inside the bottle and get to work on those ads.

If love is for sale, we might as well collect the sales tax.

New Life for the Oldest Profession

by Ken Bode

Early this year, a New York City family court judge dropped prostitution charges against a 14-year-old girl. "Sex for a fee is recreational," the judge said.

"The hooker on the street these days is no longer just a prostitute," insists Boston vice squad chief John Doyle. "She's a mugger, a pickpocket, a robber and worse."

"Prostitution is a victimless crime, a private agreement between consenting adults," writes Marilyn Haft who directed the American Civil Liberties Union project on sexual privacy. Haft believes that enforcement of the prostitution laws amounts to an unnecessary drain on law enforcement resources.

Elizabeth and James Vorenberg studied prostitution in the US and several European cities. In America, the Vorenbergs concluded, "The prostitution 'scene' is inherently predatory."

Henry Stern is a New York City councilman-at-large from Manhattan—a borough that includes Times Square, the largest concentration of sex-oriented establishments and street solicitation anywhere in the world. In Stern's opinion, "Prostitution is a land use problem."

These are the considered views of people with a wide variety of experience with present-day prostitution. They demonstrate the variety of opinions on the

problem. In her book on the trade, *Hustling*, Gail Sheehy estimated that there are 200,000 to 250,000 prostitutes in America turning 10 million tricks a year. Other experts believe that double those numbers may be closer to the truth. In-house prostitution and street solicitation are basic elements of the sleazy complexes of pornography and adult entertainment that develop in adjacent storefronts in city centers all over America. The legal sex businesses flush out and prime the prostitutes' clientele.

The most famous sex-boom concentration is in Times Square, midtown New York City, the crossroads of Manhattan, once among the most valuable sections of commercial real estate in the world. Bedecking midtown at one point recently there were 52 adult movies, live on-stage sex shows and live peep shows; 43 pornographic bookstores featuring back booths with film peep shows; and 63 massage parlors, usually fronts behind which varieties of sexual favors may be purchased. There also were 34 establishments classified as "prostitution-prone hotels," all supported by the brigades of streetwalkers and doorway hookers in the area, and most operating on the hot-bed system of room rents collected from every customer brought in by a prostitute. Shortly after he took office, Mayor Ed Koch announced that his administration would mount a drive to rid midtown of the sex industry, especially the "aggressive, offensive solicitation by prostitutes." Unsuccessful efforts to upgrade Times Square go back more than 40 years, to the administration of Fiorello H. La Guardia.

In Boston, the city fathers decided to halt the spread of pornography by taking advantage of the industry's natural tendency to congregate. With the creation of a special zoning category, the city confined peep shows, strip joints and similar uses into a single adult entertainment district, known locally as the Combat Zone. The new zoning ordinance didn't make prostitution legal—nor anything else that was otherwise illegal—but some Massachusetts officials admit that it gave the impression that the cops would lay off inside the Zone. As a result, prostitution flourished on the streets, in the clubs, everywhere. Vice Chief Doyle says the Zone attracted hookers and pimps from all over the country, along with muggers and pickpockets posing as prostitutes. Crime statistics for the Zone, says Doyle, are 30 to 40 percent higher than anywhere in the city.

No modern society except China ever has put an end to prostitution. Despite anti-prostitution laws on the books in every state but one, public officials all over the country agree that the enforcement powers of civil authority are inadequate to stop prostitution here. Many people, especially civil libertarians, believe enforcement efforts amount to squandering public money. Because of this widespread attitude, public officials and police departments often practice sporadic enforcement; prostitution is tolerated so long as it is

kept reasonably subdued and out of the public eye. If there's a crisis, there's a crackdown.

When prostitutes are brought in and charged, judges usually have the option either to fine them or send them to jail. To avoid clogging the courts with costly appeals and filling the jails with prostitutes whose sentences cost even more in public money, most judges are inclined to levy fines on repeaters as well as first offenders. During a period of routine enforcement in midtown Manhattan, about 70 percent of the prostitutes arrested either pled or were found guilty. Only 10 percent of the guilty were sent to jail, and the rest got fines. More than half of those fined were allowed time to pay, and nearly half of these failed to pay at all. "If prostitution is a crime, prostitutes should go to jail," says Manhattan councilman Stern. "To fine them \$50—the price of one trick—makes a mockery of the law." Even with light sentencing, it is estimated that prostitutes comprise 30 percent of the populations of most women's jails and that 70 percent of the women who are prison inmates were initially arrested on prostitution charges.

The crackdown in Boston was prompted by the stabbing death of a Harvard football player out for a night in the Zone. In New York, Mayor Abe Beame cracked down because the Democratic national convention was coming to town and the fiscally troubled city needed to brush up its image. Crackdown means, first, sweeping up the street solicitors—the blue collar class of the hooker profession. It can also mean strict enforcement of plumbing, electrical, sanitation and other municipal codes in the hotels, massage parlors and other buildings where prostitution goes on. In other words, it means persistent, expensive official harassment. It means vice raids and stepped-up use of undercover cops to ferret out hookers. More often these days it means enforcing the law against johns as well as prostitutes. It also can mean the passage of imaginative new regulations and innovative enforcement practices designed to chill the ardor of customers. In San Francisco, for example, the city cracked down on massage parlors by requiring all customers to sign in, requiring identification and making it a misdemeanor to use a false name or address. Boston cops began to discourage prostitution by recording the license numbers of cars spotted driving through known cruise areas, then mailing notices to the owners' homes warning them (and their wives) that the areas might be dangerous. They also tried to cut down on the sex for sale in the back booths of Combat Zone strip clubs by requiring brighter lighting—and sending in undercover cops armed with light meters and violation pads.

Most often, the results of a police crackdown only prove the resilience of the prostitution-pornography-adult entertainment industry as the recent experience of Atlanta demonstrates. When the city's first census was taken in 1860, Atlanta prostitutes outnumbered police five-to-one. Until 1912 Atlanta had an area

where prostitution was permitted and patrolled. Modern Atlanta is America's third-busiest convention city; the adult entertainment complex has located itself in the tawdry storefronts of an area called Peachtree Triangle, a few blocks from the downtown convention hotels. The order for police to crack down on prostitution came when Mayor Maynard Jackson's chauffeur-driven limousine was stalled in rush-hour traffic one day and his honor found himself face-to-face with several scantily clad Peachtree girls who waved and called, "Hey, Mayor! Hey, Maynard! Come on in!"

The sweep concentrated on street solicitation and bathhouses—the local variation on massage parlors—and featured extensive use of undercover cops. Local jurists cooperated by passing out stiff sentences and setting high appeal bonds—\$50,000 on a charge of masturbation for hire, for example. At first, the bathhouse proprietors responded by changing their colors faster than the authorities could change the codes. Bathhouses became nude lounges, nude rap sessions, nude modeling studios, even nude mud wrestling rooms. But many of the owners were absentee investors in the Atlanta sex boom. When they saw their overheads quadruple in legal fees and forfeited bonds, they cut their losses quickly. On the face of it, the Atlanta crackdown accomplished some of its objectives; at least temporarily. Street solicitation is less noticeable and there is a row of empty bathhouses along Peachtree. But the solicitor of Fulton County (Atlanta), Hinson McAuliffe, one of the most vigorous prosecutors of smut in the country, believes the Atlanta crackdown had a short-run effect, at best. Prostitution, he says, has not really been much affected, and that's the way the people who are running Atlanta want it. "They think it's part of the convention city scene," McAuliffe says. Local police and press estimates place the current number of full-time and part-time prostitutes in Atlanta at 7500, which means that today the hooker-to-cop ratio is just over six to one—higher than back in 1860.

Law enforcement studies show that cracking down on prostitution can be an enormous drain on time and money for police, courts and corrections agencies. Estimates of the cost involved in prosecuting a single prostitute—from the street to jail—range from \$600 to \$1200. A few years ago, Seattle was found to be laying out one million dollars a year for this purpose, a figure that seems not far off the mark for other cities of comparable size. Another cost of enforcing laws against prostitution is that it is a notorious source of police corruption. The necessary undercover work often brings the cops into an all-too-comfortable proximity with the industry. The 1971 Knapp Commission investigation of police corruption in New York City disclosed high-level collaboration with brothels, for example. And a federal strike force investigating the Atlanta police department is checking allegations that while Mayor Jackson's celebrated crackdown was un-

der way, some Atlanta cops were themselves involved in prostitution rings.

Prostitution in America is a \$10 billion industry. Gail Sheehy estimates that full-time prostitutes probably take in about \$70,000 a year, making them the highest paid professional women in America. The profession's notorious resistance to enforcement and the changing sexual mores of our time are encouraging some new ideas about how sex in exchange for money might be licensed, regulated, controlled and even taxed.

Nevada is the only state where prostitution is already legal—in some places. What the 1971 state law actually says is that prostitution is prohibited in counties of over 200,000 population, meaning Las Vegas, where nevertheless it is routinely endured in the night spots, casinos and hotels as part of the town's *ambiance*. For the rest of the state, it is a matter of local or county option. Historically, prostitution has existed more or less openly, especially in rural Nevada. Seven counties and two cities now license and regulate brothels; in five other counties there are no laws on the books either way, but bordello operators get full police protection.

The largest and most famous brothel in the state is the Mustang Ranch, owned and operated by Joe Conforte and located in tiny Storey County, a short cab ride from Reno. In Storey, prostitution is legal by vote of the county commission. Clues to the Mustang's prosperity may be found in a business dispute Conforte is having with the Internal Revenue Service over what the Feds consider to be a persistent tendency not to report his earnings to the fullest. Even when it's legal, commerce at a bawdy house is on a cash basis, and the IRS lien against Conforte and his wife estimates the amount of unpaid taxes over four years at \$5.6 million.

Before his legal difficulties set in, Joe Conforte was a prominent figure on the Nevada political landscape, hobnobbing with lawmakers and local politicians, enjoying his reputation for generosity with campaign contributions. Perhaps the most enduring measure of his former political influence is the exit ramp off Interstate Highway 80 leaving Reno to the east. The green and white sign is marked "Mustang." It leads not to a city, nor a town, nor even a village, but only to Conforte's brothel.

Those involved with legalized prostitution in Nevada defend the system as the most reasonable way to regulate sex as commerce. Because it is not against the law, it doesn't inherently breed other crime, so both the prostitute and her customers are safe while the transaction takes place. Lyon County sheriff George Allen says of the four brothels operating near the state's capitol, Carson City, "Police-wise, they're the least of my problems."

Confined to licensed houses, prostitution is kept off the streets and out of the way of that portion of the public that wants nothing to do with it. For the same reasons, it does not disrupt traffic, intrude on

neighborhoods or affect other businesses. Because girls are registered with health inspectors who pay regular weekly visits to the houses, venereal disease is kept completely in check. Legalization also eliminates the universally abusive pimp-prostitute relationship.

Legalized prostitution also produces revenue for the government on a small scale. Apart from the federal income tax he doesn't pay, Joe Conforte ponies up a quarterly fee of \$9000 to Storey County to keep the Mustang operating. He is that county's largest single revenue source. In Lyon County, each of the four brothel owners pays \$1000 a month. County officials in the most remote areas of the state say they doubt that the houses out there make enough to justify a stiff licensing fee, so they are just permitted to run for free.

Churchill County officials believe that theirs is the first county in the US where prostitution was legalized by public referendum. The county includes a natural market: a naval air station with a resident population that swells to 1500 when air squadrons arrive to train in the desert. When the issue came up in 1975, legalization advocates promised that licensed brothels would produce a multitude of blessings: there would be revenue from business taxes; the venereal disease rate would fall; county welfare rolls could be cut by eliminating the women and illegitimate children who hang around the naval base providing a sexual outlet for servicemen; and local youngbloods could be spared the long drive to other counties where prostitution was legal. Legalization carried in every precinct.

Not everyone is happy with every aspect of legalized prostitution in Nevada, of course, nor is it entirely crime-free. For example, someone recently torched the Chicken Ranch, a controversial brothel in the southern part of the state. The owner, Walter Plankington, was drumming up business with what some considered to be an aggressive, salacious and excessive advertising campaign in Las Vegas publications. He also was providing limousine service from the gaming tables to his bordello and back. "The other brothels don't advertise or impose themselves," says Nye County district attorney, Pete Knight. "But Plankington was a problem. It was getting so our county was best known as Las Vegas's whorehouse, and that didn't sit too well."

Among those who object to legalizing prostitution and licensing brothels are prostitutes themselves and their allies in the feminist movement. To work under such a system, prostitutes must confine themselves to controlled houses where they are supervised by a madam or a foreman, with whom they share a large



"Rue Blondel #1" by Reginald Marsh (lithograph, 1928)

part of the fee. In legal brothels, prostitutes work under circumstances over which they exert little control. They even lose the right to choose their own customers. Thus, it is argued, legalization forces prostitutes to trade one form of incarceration for another. "Rather than eliminate the abusive pimp-prostitute relationship, it institutionalizes it," says Margo St. James, the chief organizer of COYOTE (Call Off Your Old Tired Ethics), which she describes as a union of loose women. She regards Joe Conforte as a state-certified pimp.

The way women are regulated under the Nevada system supports the feminist view. First, of course, they must register as prostitutes, be fingerprinted, checked by health authorities and licensed, assuring that they leave behind a record of participation in an activity considered illegal everywhere else but Nevada. Then they must agree to stay on in a brothel for specific periods of time, typically three-week stints. Some Nevada locales permit the women to come and go as they please; others establish strict regulations governing hours when they may be in town, buildings where they are not permitted (bars, casinos, residential areas) and who they may associate with (no boyfriends or husbands permitted). Ostensibly the regulations are to keep the women from soliciting anyplace except inside the brothels. "We keep the girls under strict supervision," says Hubert Borjas, the sheriff in Elko. "One peep out of them and they're down the road."

Some oppose legalization on grounds that it needlessly involves government in the business of regulating sexual behavior. Apart from its constraints on the goings and comings of prostitutes, the success of the Nevada system rests on that state's tradition of

public forbearance and minimal government interference. Barney Frank is a Massachusetts state representative whose Boston district abuts the Combat Zone. He argues that the Nevada system would never work in the Northeast, where different political traditions prevail. "We're excessively bureaucratic and corruption-prone here," says Frank. "In Massachusetts, the value of a government program is not who it serves, but who can be employed thereby. Public jobs are always tied up in political connections and patronage, and that means extra bureaucratic baggage and extra cost to the consumer. If we legalized houses of prostitution in Massachusetts, the best political job you could get would be nookie inspector."

Nevada's system of legalized prostitution by local option has invited inquiries from a number of other states along with on the spot visits, including one from the Beame administration during the days of the midtown crackdown. But among those who are progressive enough to think that sex for money will one day be part of the legal system of commerce, most favor a different alternative, which is generally called decriminalization (to contrast it to the Nevada system known as legalization). Under this arrangement prostitution simply would be removed from the criminal code, the legal involvement of the police would be diminished and regulation by civil authorities minimized. Simply put, decriminalization implements the view that prostitution is merely a commercial form of sexual behavior between consenting adults, a private act properly conducted outside the purview of the law. Controls could be devised to govern location, age, hygiene and taxation, probably by the unit of government closest to the scene. Jennifer James, a professor of psychiatry with extensive research and counseling experience in the field of prostitution, describes how the arrangement might work: "The least abusive to the individual woman would be a small business license with a health card requirement. A prostitute would obtain a license much as a masseuse does; her place of business would have to conform with zoning requirements; she would be required to report her income, be of age, and keep her health card current. Violations would mean revoking her license and would be handled by a non-police administrative agency. Advertisements would be limited to discreet classifieds."

Variations on this arrangement have been used in England, where there are no controls on private prostitution, and in Amsterdam and Munich, where streetwalking is permitted in designated areas.

When prostitution is no longer a crime, and the necessity for camouflage (massage parlors, modeling studios) is lifted, there is no longer a need for covert police operations leading to coziness and corruption, and the exchange need not breed other forms of crime. "Now that prostitution is a criminal activity, guys are going to be sure they don't have police protection when

they go looking for a hooker," says Barney Frank, who favors decriminalization with zoning.

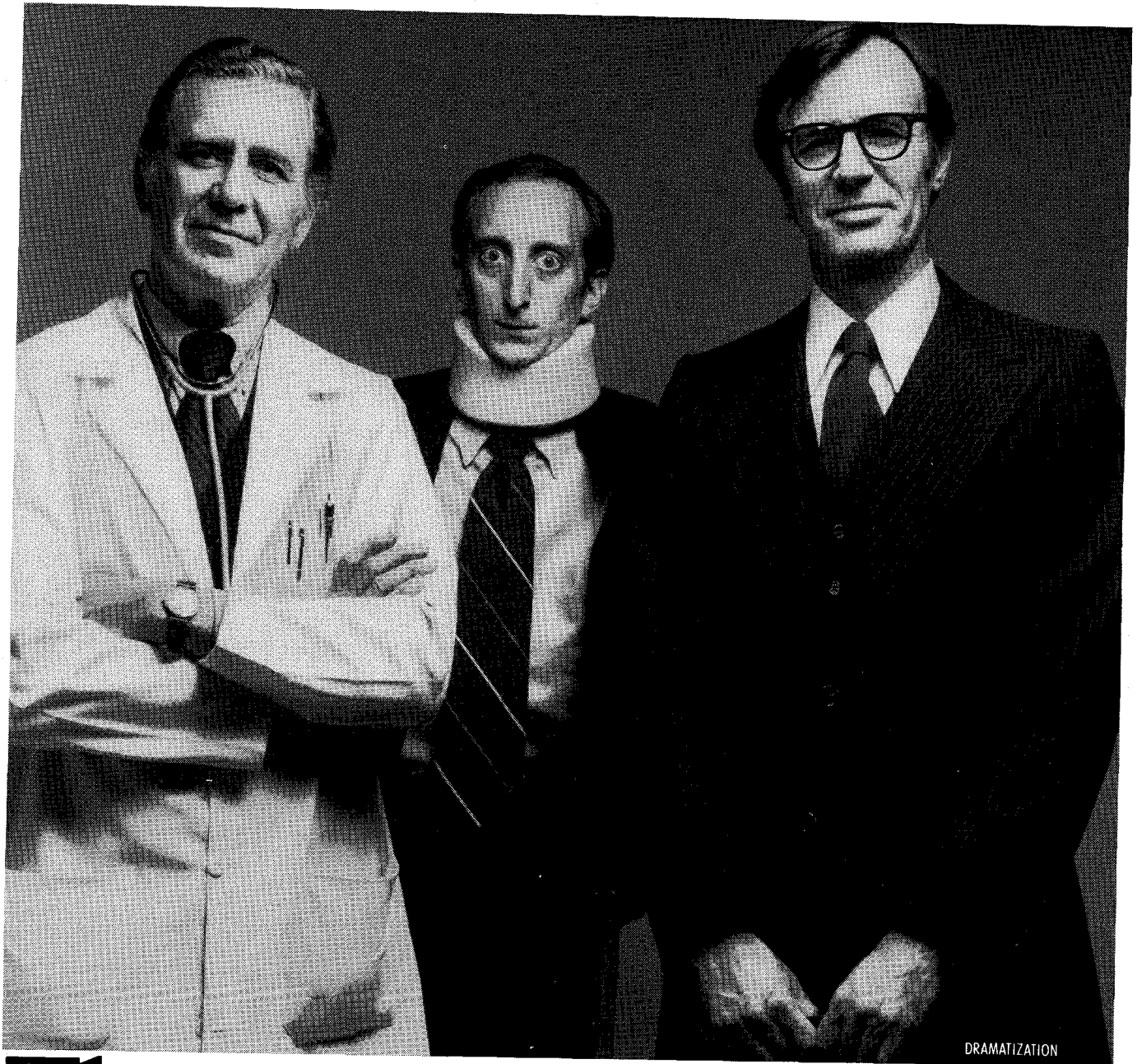
Frank introduces his proposal in the Massachusetts Assembly every year. It would give communities the option to suspend pornography and prostitution laws in certain areas. "We should zone prostitution and that's all—not a bunch of additional regulations. I try to work on the principle that people should be able to do whatever they want with each other so long as it doesn't shed blood," Frank says. Unlike the Boston police authorities, Frank thinks the Combat Zone is a step in the right direction, and that the current overconcentration could be easily cured. For Boston he would double the size of the present zone and add a couple more, perhaps tagging some areas "gay" and some "straight" so that people who don't like each other aren't rubbing shoulders.

New York state assemblyman Dick Gottfried has introduced a similar local option decriminalization bill which was drafted by a Manhattan community group from an area hard hit by street solicitation. Gottfried concedes that finding the appropriate zones in Manhattan—or anywhere—might be a problem. "It couldn't be a residential neighborhood or a high-level commercial area," he says, "none would have it." Gottfried suggests some places along the Hudson or East rivers, some low-grade commercial areas or, perhaps, an area that is largely abandoned. Perhaps Wall Street at night.

Probably the most practical idea for locating New York's combat zone is the vertical zoning proposition advanced by Manhattan councilman Henry Stern. Take over the top 10 floors of the World Trade Center, Stern suggests. It would be respectable and convenient for the suburban businessmen who patronize New York City's hookers. It would alleviate the financial burden on the state, which rents space there now just to keep the building occupied. It would clean up Times Square. And all the advertising needed would be the blinking red lights already on top of the building.

It won't happen soon. Dick Gottfried's bill is just a study proposal. The closest Barney Frank has come to passage in Massachusetts is a four-to-one loss four years ago. And Henry Stern is not entirely serious. Atlanta's Hinson McAuliffe probably still represents the majority viewpoint in this country when he rejects both legalization and decriminalization, saying, "You can't legalize immoral activities."

But Margo St. James and her friends are serious and the feminist movement has just begun to take up the cudgels for decriminalization. Meanwhile, St. James is using her COYOTE network in other worthy causes. She's contacting hookers around the country in an effort to locate those who might be servicing anti-ERA state legislators. "Send their names to your local NOW chapter," she urges. The battle is just beginning to escalate; wait until Congress takes up the ERA extension bill this fall.



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The man in the middle just won a big award.

This is the true story of the victim of an automobile accident! Let's call him Phil.

A jury has finally² awarded Phil \$12,000 for his losses (and the court tacked on \$1,160 for costs), so why isn't *he* smiling?

Watch closely as the tort system gobbles up that \$13,160:

Phil's lawyer (at right) takes \$6,450 off the top.³

Dr. A (at left) gets \$600 in witness fees. (He charged only \$425

for treating Phil in the first place—in this crazy system you sometimes make more by telling a court what you did than you make by actually *doing* it.)

Doctors B and C take \$325 more in witness fees and another \$470 or so falls through the cracks, leaving Phil with a check for \$5,311⁴—nearly three years after his accident.

Now a system that used up 3 years and \$8,000 to put \$5,300 into a victim's hands may strike you as unwieldy. And Aetna agrees.

State by state, we're supporting strong, workable "no-fault" auto insurance plans.⁵ Where no-fault isn't in the cards, we think compulsory arbitration can help get most cases settled faster and more economically.

Lawyers' contingent fees should be better controlled. And, where appropriate, victims' payments should be made periodic, rather than in one lump sum which some outlive and others never need.

Passing the laws to reform this system is slow, frustrating work, but it is the key to controlling auto insurance costs. Don't underestimate your own influence with your elected representatives. Use it as we are trying to use ours.

Aetna wants insurance to be affordable.

¹We've taken poetic license and put a neck brace on Phil, although his actual injuries didn't require it.

²Nearly three years passed between Phil's accident and his award. Such time lags are often a cause of grave hardship, and are a strong indictment of the present tort system. Chief Justice Warren Burger put it this way: "The business of involving the judicial process to dispose of an automobile accident is an expensive and

cumbersome method that should be abandoned, as we did with industrial-injury claims long ago."

³Lawyers handling liability cases generally charge a "contingent fee"—a percentage of the award paid to the victim (the percentage may be as high as 50%). Phil's lawyer claimed 40% of the jury award for his fee plus \$1,650 for certain costs advanced. He later advised the press that he had reduced his fee.

⁴In other words, only 44% of the jury award actually reached the victim. More than half was consumed by the costs of an inefficient system—costs which are reflected in the premiums of insurance buyers.

⁵"No-Fault" is first-party protection. Your insurance covers *your own* medical expenses and lost wages; the losses of whom ever you hit (or get hit by) are covered by *his* insurance. No-

fault has enormous potential for speeding and simplifying claim payments and controlling the cost of auto insurance. Unfortunately, the no-fault laws in many states (including the state where Phil lived) have so many loopholes that they fail to keep most claims out of court. Aetna supports the passage of federal guidelines which would require states to enact strong laws with real consumer protection.

Arts and Lives

Stanley Kauffmann on theater

"One Never Knows, Do One"

That was Fats Waller's famous tag line, thrown away between verses of a song, irrelevant to what he was singing about but characteristic of his rambling ease—a big, fat, deft, froggy, songful man,



Fats Waller (1942)

amorous in the adoring-humorous old-fashioned way implied by the song-term "lovin'." I can't recall that I ever saw him in person, but I see him vividly, so it must have been in films—*King of Burlesque*, made in 1936, or *Stormy Weather*, made in 1943, the year he died (at 39), or perhaps a short or two. Now there's a Broadway show about him. No, it's of him.

The last few years have seen a number of shows that recreated performers, George M. Cohan, Bessie Smith, Edith Piaf, the Beatles, and I've studiously avoided them all—not even studiously, just avoided. But I went to this because it isn't a recreation, it's a tribute: to a man I remember warmly. The press has made *Ain't Misbehavin'* (Longacre) sound miraculous. It's not a miracle, but it's a lot more fun than any miracle I've read about. One never knows, do one.

An all-black cast. Naturally. No book, just numbers. Five performers, three

women and two men, all of them exceptionally talented and four of them with winning personalities. A pianist at a mobile upright, whose face we rarely see: a six-piece band in the background with a woman trombonist and a lovely old drummer; one setting by John Lee Beatty in the dusty rose and faded gold of old vaudeville; enough lighting variations by Pat Collins to keep the eyes happy without being popped; flexible staging by Arthur Faria and Richard Maltby Jr.; and it's a couple of hours of very very good time.

All the songs either have music by Waller and were sung by him or were written by others, then sung and made famous by him. Among the former: the title song, "I've Got a Feeling I'm Falling," "Honeysuckle Rose," "The Joint Is Jumpin'." Among the latter: "I'm Gonna Sit Right Down and Write Myself a Letter" (hear the audience ignite when *that* starts) and possibly the only angry love song ever written, "Your Feet's Too Big," which still makes me fall off my chair. Ken Page, the one in the cast who tries to catch Waller's style, sings both of them superbly. Imagine a song whose release begins:

*Your pedal extremities are colossal.
To me you look just like a fossil.*

My one nit to pick is that occasionally the show strains to be spicy. But if you think that "Honeysuckle Rose" is sung here suggestively, then you haven't heard Lena Horne's recording.

Two moments in particular, both Waller's own songs, are going to last with me. The stout and beautiful Armelia McQueen, huddled against the upright, sings "Squeeze Me" in a way that makes her tinier by the second. Then, just before the loud finale, the whole quintet quietly sings "Black and Blue."

*What did I do
To be so black and blue?*

This is the first musical in years of which I want the cast album.

Ain't Misbehavin' was moved to Broadway from the Manhattan Theater Club, that hive of activity on the upper East Side that Lynne Meadow has been running for six years. Production quality at the MTC began low but has, allowing for lapses, zoomed in the last two years. Meadow herself directed the strong production of *Ashes*. A few months ago I saw their production of Athol Fugard's long one-act play *Statements after an Arrest under the Immorality Act*. The play was too long for its substance (though it certainly had substance), but it was delicately acted by Veronica Castang, as a white South African woman, and Robert Christian, as her black lover, and it was directed with exceptionally fine detail by Thomas Bullard, who is associate director of the MTC.

And a few weeks ago I saw a good piece of work by Stephen Pascal, who is Meadow's right-hand man at MTC. *Strawberry Fields*, by Stephen Poliakoff, a much-heralded young English playwright, is about rootless young English people finding a "home" in violent native fascism. The writing was diffuse and seemed a dilution of a better young English playwright, relatively unknown here, Heathcote Williams. But the two young maniacs were strongly acted by Susan Sharkey and Nicholas Woodeson,

Films Worth Seeing

Cat and Mouse. Smooth little French murder mystery, more charm than chills. Very pleasant.

F.I.S.T. If you don't mind US labor history used for movie melodrama, this is a pretty good one. Sylvester Stallone bulldozes through the decades.

Go Tell the Spartans. The best fiction film so far about Vietnam war. Some trappings of conventional gung-ho flick, but it really faces complexities and snares. Set in 1964, 11 years before US finally exited.

Pirosmani. A gentle Soviet picture about an (actual) primitive painter, turn of the century. Done with a fine eye and dramatically successful quiet.

SK

and Pascal directed with clear design and control.

These two productions not only pumped my regard for MTC, they helped confirm what I take to be a general truth: these days one sees better acting and directing away from Broadway than on it. And I mean representational work, not avant-garde "pieces" of the sort that Broadway wouldn't do anyway. Further examples; the Public Theater's productions of Shepard's *Curse of the Starving Class* (TNR, April 8, '78) and of Mamet's *The Water Engine*, directed by Steven Schachter with fine satire-mystery-poetry.

For further proof, a reverse example on Broadway: the Jack Lemmon vehicle, *Tribute* (Atkinson). The people around Lemmon are so bad that it's almost like going to see a West End hit in London. Last winter I heard a fine English actress say that most of the best English actors are now in the big English repertory companies, so the commercial West End productions can offer only stars surrounded by ordure. (I euphemize.) In New York we don't have the English excuse of (happy) drainage by good rep companies: we just have a body of dull formula actors who work on Broadway when they can. For me it's now a rule of rarely bent thumb that, excepting luminaries, I expect to see more imaginative acting and directing away from Broadway than on it. Of course there are exceptions, but at least one doesn't routinely expect, away from Broadway, to see one more slice of so many same old cut loaves.

The situation is gloomily complicated by the fact that some of the Broadway fabricators began away from Broadway where they were better before they made the Big Time. Take, for instance, Robert Picardo who plays Lemmon's son in *Tribute*. He was at least lively in Albert Innaurato's *Gemini*, and earlier he was really taking as Allen Ginsberg in Martin Duberman's *Visions of Kerouac*. In *Tribute* Picardo is stiff and superficial, barking quite a lot in a glib, mechanical rendition of a sensitive boy wounded by his father's behavior.

This is partly the fault, if not the induction, of the director Arthur Storch who too has worked a great deal away from Broadway but who here is trying so desperately to oil up a slick Broadway machine that all we get is a sense of his desperation. Storch could argue that there is no point in trying to direct *Tribute* like *Waiting for Godot*. But there might have been real point in relying on

something more than memory—of every turn-and-pause, every arbitrarily heated-up, instant-coffee climax that he had ever seen in Broadway comedy-drama—in trying for one touch of life in place of stock slickness.

Excepting Lemmon's performance. Lemmon is good. But since Lemmon has given this or comparable performances in such films as *Save the Tiger*, *Alex and The Gypsy*, and (the TV version of) *The Entertainer*, we can assume that Storch's principal job with him was to stay out of his way.

This recurrent Lemmon character of recent years is the type of *homo Americanus* who relies on japery to see him through the moral morass of his life: the man who extracts, from the complex of contemporary behavior, the (let's call it) Bob Hope strain and quite knowingly clings to it as to a life-preserver in high seas. Lemmon has refined this performance to a nicety and can pilot it securely through the openly farcical moments to the but-seriously-folks moments. As Lemmon has aged, he has moved from straight farce—like his classic performance in the classic *Some Like It Hot*—to graver roles in which farce is the dynamics, not the subject. Well, at least it's a way of accommodating his maturing to his talent. He's extremely skillful, and he has the good actor's gift of never for a split second being "dead" on the stage even when he's doing absolutely nothing but listening. And, like every good farceur, he knows his body. It's a long time since I've seen such unostentatious grace and physical precision in an actor.

I wish I could say that *Tribute* is worth seeing for his sake, but it's long and boring. Not overlong and therefore boring—cutting wouldn't help. We know all we need to know about Lemmon and the others roughly 15 minutes after the play begins. There is no genuine development thereafter: just a series of set-ups—including a shadow of the father-son relationship in *Death of a Salesman*—to permit repetitions of previously known characteristics. Lemmon is a PR man, dying of leukemia. (This is Broadway's decade of dying: *The Shadow Box*, *In Praise of Love*, etc.) The play is supposed to be a tribute to him held in a theater—our theater—before an audience that includes his ex-wife, girl friends, hookers, and others. We watch flashings-back and final reconciliation with his son. The wit is sparse and soggy, the sentiment soggy and less sparse.

Tribute was written by Bernard Slade



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Comparative Financial Review

	Years ended December 31,	
	1977	1976
Income		
Life premiums	\$22,340,297	\$16,150,742
Accident and health premiums	25,683,413	23,593,214
Investment and other income	4,799,481	4,090,525
Total income	52,823,191	43,834,481
Benefits and expenses		
Life claims and other benefits	4,126,231	3,735,055
Accident and health claims	12,430,024	11,644,002
Increase in liability for future policy benefits	12,196,239	8,711,984
Amortization of policy acquisition costs	5,183,133	4,431,061
Commissions	5,943,151	5,224,771
General expenses and insurance taxes	5,869,697	5,652,642
Dividends to policyholders	298,064	299,032
	46,046,539	39,698,547
Income before income taxes and realized investment gains (losses)	6,776,652	4,135,934
Provision for income taxes		
Current	—	—
Deferred	1,909,150	1,209,252
Income before realized investment gains (losses)	4,867,502	2,926,682
Realized investment gains (losses)	11,364	356,057
Net income	\$ 4,878,866	\$ 3,282,739
Earnings per share		
Income before realized investment gains (losses)	\$ 2.88	\$ 1.76
Realized investment gains (losses)	.01	.21
Net income	\$ 2.89	\$ 1.97
Assets	\$116,000,000	
Insurance in Force	\$ 1,289,000	

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who wrote *Same Time, Next Year* and would have been better off writing the same thing this year. He's better at imitating the Neil Simon of straight comedy than the Simon of comedy-plus-

heart. Slade says he wrote *Tribute* for Lemmon, but he didn't write a play, he wrote a part. It's only a big part, not a good one, because there's no play for it to be good in.

no help. Too bad. It's a beautiful piece.

So far as I have been able to figure out, two of the six special exhibitions arranged for the building's opening are designed to contrast—one in intimacy, the other in sumptuousness—with the building's huge scale and planar angularities. Two others proclaim the National Gallery's policy of going modern to the extent of recognizing the 20th century's old masters on an equal footing with those of the past and giving the nod, subject to revocation, to such *arriviste* movements as abstract expressionism. A fifth salves any wounds this may cause with a superb group of drawings and watercolors going back to the 12th century, from the National Gallery's collection (or promised to it), while the sixth demonstrates the new building's capacity to house a blockbuster. For that matter, all six demonstrate the flexibility of the exhibition galleries, with movable walls and a variety of ceiling heights.

The blockbuster is "The Splendor of Dresden," made up of loans from museums in that city combining paintings, sculptures, drawings, prints, and *objets d'art* representing five centuries of art collecting. Expertly installed, the show is, of course, a knockout, but if you can get past Bernardo Bellotto's paintings of the city as it was in the 18th century, with their recall of what it still was before the bombing of World War II—if you can do that without your heart breaking, then you are a stronger man than I am.

The two exhibitions possibly designed for contrast are "Small French Paintings from the Bequest of Ailsa Mellon Bruce" and "Piranesi's Early Architectural Fantasies." The paintings, averaging at the most 15 inches to a side, and often less than five inches square, are not miniatures in the sense of exquisite rendering; rather, most of them are quick sketches like personal comments, almost asides, and are preponderantly impressionist. They are utter delights one and all; "refreshing" might be the best single adjective for their group character. Or maybe "enchanting." "Sumptuousness," which I see I used in connection with the Piranesi show, isn't too good but can pass to describe the beautiful disorder of Piranesi's prints and drawings of buildings in ruin, clotted with vines and bursting with shrubs and ferns, the antithesis of the aseptic geometry of the new building that houses them.

If all this begins to sound tiring, it is only a tribute to the accuracy of this report. Unless you are making a series of

John Canaday on art

This One We'll Keep

Going through the National Gallery's new building for the first time a couple of weeks ago shortly after it opened, I couldn't get over the spooky feeling that I was in the United States Pavilion of some recent World's Fair that by a freak of chance I had never heard of, and by an even more freakish operation of space-time lag was dropping back a decade or two to visit. It was all there—the sheer insistent exhibitionism of a socko structure expertly dramatizing the most firmly established modern style, ornamented by the latest internationally accepted modern art at about 10 times its familiar dimensions in an enormous central space giving onto cultural alcoves of more intimate dimensions. Standing at the rail on the upper level just out of reach of the swinging arms of the world's biggest and by far liveliest Calder mobile, looking down and around and into the total spectacle of an architectural hybrid between St. Peter's and Mies van der Rohe's Barcelona Pavilion, I found myself thinking, "This one is really good. They ought to keep it."

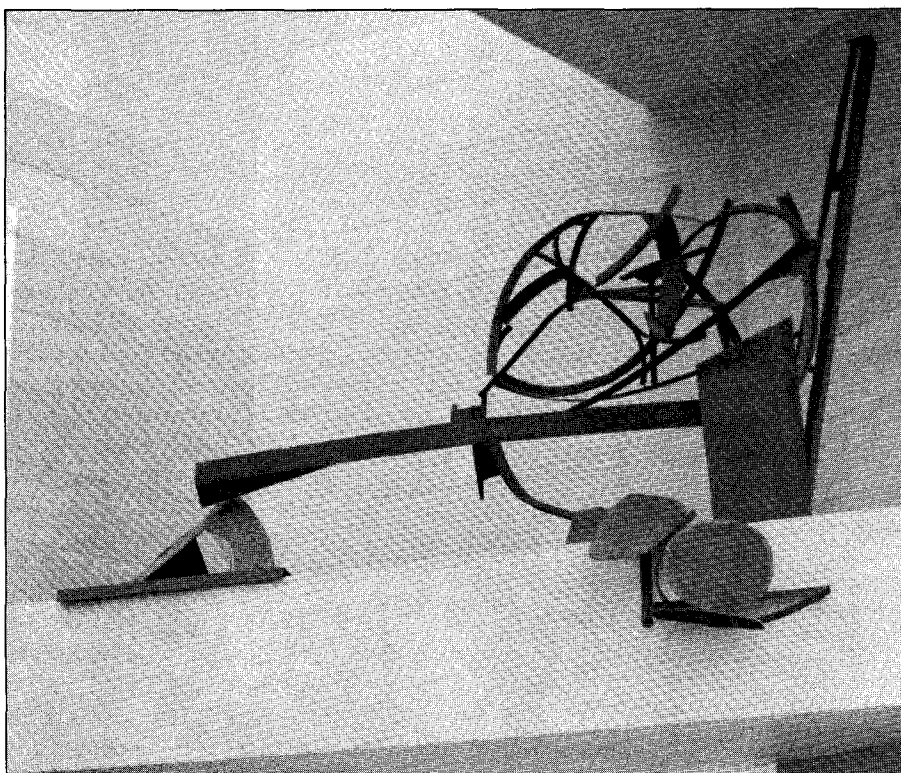
However, my job is to write about the art in the building, not the building itself, so let's just accept the rapturous accolades that have greeted it and reject any nit-picking objections, if there have been any. Let me add that the best thing that can happen now is only a matter of time: It will be good when the building can settle down as a normally functioning art museum and research center instead of the gawker's bonanza that it is at the moment.

My choice for the most interesting

work commissioned for the building is Anthony Caro's welded metal sculpture. No matter how much you admire them, and I admire all three, there is not much to say about Henry Moore's bronze, Calder's mobile, and Miro's tapestry—three period pieces for this period building—except that they are representative works successfully scaled to the spaces they occupy, which means they are big. (It was the size of the building that kept surprising me, after dozens of photographs that failed to reveal it.) But Caro's sculpture is unexpected. It occupies an unusual spot, perched on a ledge with a relatively low limiting ceiling over one half, and virtually no limitation over the other half, which opens upward into a great shaft of light and space. The obvious solution would have been to root a sculptural design firmly across the entire ledge and then let it soar on one side into all that space like a plant thriving on light and air. Caro has done the opposite; his wonderfully inventive forms are clustered in the relatively cramped area (with no sense of cramping) and even spill over the ledge, with lesser forms subsiding under the spatial shaft. All the forms are sufficiently convoluted to contrast with the flat, eventless planes of their architectural setting; they also contrast in black against the near-white of the stone. It is a beautiful performance, this piece of sculpture, executed in place and perfectly integrated with its setting.

I wish I could say as much for James Rosati's large, white angular sculpture nearby, but it seems to me to be an excellent example of too much harmony. Echoing the planes and the color of its setting in what should be, theoretically, a perfect union of styles, it simply blanks out. It would tell best in a green park against trees, which might have been the idea in setting it in front of the windows. But the city vista back of it is

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"National Gallery Ledge Piece" by Anthony Caro

National Gallery of Art, Washington, DC

visits you will have to settle for a walk-through of the two 20th-century exhibitions, one of which, "Aspects of Twentieth-Century Art," is a triple header. It offers a sort of undergraduate survey course of Picasso and Cubism as a starter, continues with a roundup of other European movements in painting and sculpture, including Matisse, and winds up with a highly ornamental bang in the form of Matisse's paper cutouts and "Jazz." I have the feeling that everything will look familiar to anyone with even a brushing acquaintance with 20th-century art, but after all one of the greatest pleasures in art is re-seeing.

Well—not always. I had hoped to die without ever having to see again Barnett Newman's "Stations of the Cross," that series of empty abstractions given a faintly sacrilegious or at least preposterously pretentious tone by the title given them as an afterthought. I cannot really trust the judgment of anyone who continues to find significant content in these sterile paintings posing as arcane perceptions. We have had 10 years now to realize that their only content is simply one of verbal injection by Newman's sponsors among critics. There are other mistakes in this exhibition, called "The Subjects of the Artist," but the other artists (Arshile Gorky, Robert Motherwell, Jackson Pollock, Willem de Kooning, David Smith and Mark Rothko) look so solid in contrast to Newman's absurdities, that any further objections are pointless.

I have had something of a Motherwell problem that I thought the "Subjects" exhibition plus this painter's large mural

commissioned for the building might alleviate—but no luck. I have been very hard on Mr. Motherwell in the past, having overreacted to a feeling that he benefited beyond reason in a circle where personal relationships and obligations (no, make that "loyalties") between artists and critics were often more important than the artist's achievement. I have also felt that Mr. Motherwell pushed his "Elegy to the Spanish Republic" beyond legitimate mileage in—how many? Three hundred? More?—versions. Having been told that his mural for the new building would be called "Reconciliation Elegy" (a reference to improved political conditions in Spain) I was hoping for a chance to try a little conciliation myself, but the best I can do is to admit that I overreacted in the first place and say that the large mural is an admirably effective decoration in the lounge area where it is installed. As a decorator Mr. Motherwell has always been effective but that is not a judgment likely to endear me to his many fans.

So, at last, this brings us to the drawing show.

No problem. It is wonderful.

Michael Ullman on jazz

Horace Silver

Just 49 years old, pianist Horace Ward Silver has been recording regularly for Blue Note for over 25 years. He is a forceful player and an engaging man. Like Duke Ellington, who dedicated suites to Africa and South America, Silver has been inspired by his travels and by his heredity: his compositions include "Senor Blues," and "Tokyo Blues," "Cape Verde Blues," and the lesser known "Baghdad Blues." Silver prides himself on remaining open to all kinds of music and accessible to many kinds of people. He has long hair and a gentle smile. On stage he holds his shoulders high, drops his head over the piano and pounds out the beat with one or both feet, working one area of the piano at a time with his hands close together. He habitually chews gum: at the end of a recent club performance, I observed a neatly arranged line of used-up gum that he had placed at the end of his piano bench, one piece for each set.

Born in Norwalk, Connecticut, Silver fortuitously arrived in New York in 1950 when the jazz world was disconcertingly "cool." To at least some observers, a split seemed then to be developing between a modern, sophisticated jazz, with complex harmonics and delicate rhythms, and a more emotional type of jazz, primitive though swinging. Silver's music, like that of Art Blakey and Miles Davis in the middle 1950s, managed to capitalize on some of the harmonic advances of his peers while stressing the beat and that "healing feeling," as one of his titles suggests. His music is funky and direct, but it is also carefully voiced and arranged, and well rehearsed.

Recently I talked to Silver about his background as he ate a frugal breakfast in a motel room. When he turned 30, he decided that he hadn't been taking care of his body and eliminated unhealthy foods. This noon he was eating two



Horace Silver by Michael Ullman

peanut butter sandwiches, a pile of nuts, a banana, and several vitamin pills washed down with Sanka and honey.

Silver's father came to this country from the Cape Verde Islands, arriving at the fishing town of New Bedford with the proper papers, having worked his way over on the boat. Not a professional musician, the father was steeped in the folk music of his culture: "He loved to play music: he plays guitar, a little violin, all by ear and all Cape Verdean-Portuguese folk music, mostly in the minor key, very simple, not too many chord changes." The father played in a little string band with his two brothers. "When I was a kid my father and my uncles used to give house parties a lot of times. The women—my mother and some of my uncles' girlfriends—they would all prepare food. Somebody would bring a bottle of whiskey, someone wine. The party would be in the kitchen—we had a large kitchen—and the place would be packed with people dancing. My father and uncles would play the music on the guitar, the violin and the mandolin. It's different from the authentic Portuguese music from Portugal—but I suppose it's a derivative of that. I remember as a kid when they

would have some of those parties I would have on those pajamas that your feet go into, that cover you all up. I'd go to sleep, but then they'd be laughing and talking and dancing and I'd wake up in the middle of the night. I'd hear the music and I'd get out of bed and go down the steps and sit on the edge of the steps and peek around and listen to the music and watch them dance. Somebody would bring me over something to eat, some potato salad or chicken or something, and let me stay a while. But I remember it."

Later, Silver liked the feeling but not the naivete of his father's folk tunes. He composed two tributes to that music: "Cape Verde Blues" (BN 84220) and "Song for My Father" (BN 84185). "My dad through the years had always said to me, 'Why don't you take some of this Portuguese folk music and put it into jazz?' I never could see it. To me it always seemed corny—because I was born here into American music, whether it be jazz or whatever. But there is a feeling there: there's something there that's valid. I didn't really get in tune with that feeling until I was invited by Sergio Mendes to his house in Rio de Janeiro. I went to see Carnival and

went around to different places he was playing and sat in, and I was fascinated by the musical capabilities of some of the young musicians down there. They were all into this bossa nova thing, which as you know was greatly inspired by our American jazz. I got turned onto that beat. So I got back to New York and I said, 'I'll try to write a tune using that rhythm.' I started fooling around and I came up with the melody and I realized that the melody I came up with was akin to Cape Verdean—like something my dad would play. That was 'Song for My Father.' After that I did the 'Cape Verde Blues.' My father was very pleased that I did 'Song for My Father.' I put his picture on the cover of the album. He was pleased that I did the 'Cape Verde Blues,' but he still would like me to take one of those authentic Portuguese-Cape Verdean folk songs and play it basically the same way they play."

Silver first heard jazz on records sometime after he started taking piano lessons with a Professor William Schofield. He developed a strong right hand through practicing boogie-woogie, and he tried to recreate the deep feeling of the blues. "My first introduction to jazz was boogie-woogie. Back in the days when boogie was prevalent, when Tommy Dorsey had a tune called 'Boogie-Woogie'—it was Pinetop Smith's tune. Dorsey had an arrangement of that which I copied off the records and played by ear. Then Earl Fatha Hines had a 'Boogie-Woogie' on the St. Louis Blues—I copied that off the record by ear. Eddie Heywood had a boogie-woogie arrangement on 'Begin the Beguine'—I copied that off the record by ear. I copied some Jay McShann off the records. I was about 12. I used to be the hit at the little teenage parties." The youngster learned that although it was harmonically simple, boogie-woogie was not simple to execute—it took "a good strong left hand."

Besides boogie-woogie, Silver listened to recorded folk blues. "I liked and still do like all them old downhome blues singers like Muddy Waters, Lightning Hopkins, Peetie Wheatstraw (the devil's son-in-law), Memphis Minnie. I dig the feeling. They weren't technicians but they had a whole lot of feeling. It was diamonds in the rough, unpolished diamonds."

Silver explained to me that he learned to play standard melodies only after he had captured the boogie-woogie rhythm and the feeling of the blues. "It wasn't until later that I could play tunes. I could improvise in my head. I used to walk

down the street singing or whistling improvisations on 'Body and Soul' or some other standard tune and be so drugged that I couldn't find it on the piano." The young musician received some help from older players in the neighborhood and he bought Frank Skinner's book on harmony.

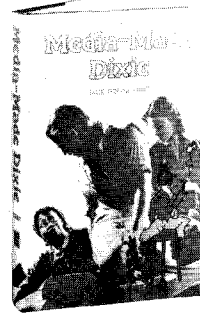
As he was exposed to new influences, he always hoped to apply what he learned to his own playing. "I started digging Tatum and Teddy Wilson. Of course Tatum was too fast for me—I couldn't copy him. Very few can. I could just sit in awe of what he did. I bought a Tatum piano folio once and I never could play it. It was like someone took some ink and just splattered it all over the page. Then I bought a Teddy Wilson folio and I could play some of that. I could take a little of what Teddy Wilson did off the record, some of his simpler things. . . . Then came the bebop thing. I heard Charlie Parker and Dizzy Gillespie. It sounded weird to me at first. I couldn't get with it because it was so different. After listening a few times over and over it started to sink in. And then I heard Bud [Powell] and was fascinated by Bud and Monk. When I heard Monk it sounded weird to me too. In fact I thought Monk was putting everybody on. It's just that he was so unique, so radically different that you can't get into him right away. After listening to him for a while, I finally realized that the man is sincere and that's just really the way he plays. I love Monk's writing for one thing—his harmonies are so unique, it's beautiful."

By 1950, at age 22, Silver was playing the Sundown Club in Hartford with Harold Holdt, a swing saxophone player. They played for dancing and floorshows, and they also got to stretch out. Stan Getz played a one-nighter with Holdt's group, then hired the whole rhythm section. Soon Silver was living in New York, a town he has only recently said goodbye to with his "New York Lament" (*Silver 'n' Voices*, BN LA 708-G). In the early 1950s he played with many musicians, including Terry Gibbs, Miles Davis, Stan Getz, Art Blakey, Lester Young and Coleman Hawkins. He found some support from the manager of Birdland: "I almost became a house piano player at Birdland for a time. I used to go down there to practice during the day because I didn't have a piano. The manager liked me, so when some of the second groups were put together, they'd throw me in there. So I might be there one week with Slim Gaillard and then a couple weeks later with Chubby

Jackson, Bill Harris and Serge Chaloff."

Silver remembers the five or six months with Lester Young as "one of the most beautiful experiences of my musical career." He found Prez "a very easy-going guy," although an introvert. "If you were a member of his band and he opened up to you, he was beautiful. He'd keep you laughing all the time." Still Silver recognized that Lester Young was a haunted man, who hid from audiences and who at times used his now famous slang to insulate himself. Silver remembers a time in Detroit when Lester Young ordered a sandwich and coffee in a diner and Silver had to translate before the waiter could understand. "Prez'd feel like nobody liked him. But I could understand that because he went through hell being an innovator. He had the nerve to be daringly different, so everybody was putting him down. Critics criticizing his tone, criticizing his playing, and some musicians too. It scarred him inside. I was riding home from a gig one night in the car and I don't know how we got into this conversation, but somehow I felt he felt dejected or something and he told me—he called everybody 'Prez'—he said, 'Well, Prez, I really don't think nobody really likes old Prez! I said, 'Well, Prez, how can you say that? You've got all those tenor players idolizing you and trying to play like you—from Stan Getz to Zoot Sims to Al Cohn to Dexter Gordon and Gene Ammons.' He said, 'Yeah, but I don't know, Prez. I just don't feel like nobody really likes old Prez.' That's the way he felt."

Silver played with several Blakey organizations: each dissolved when the black musicians were unable to find work. "The first band I played with Art—a nine-piece band consisting of three saxophones, trumpet, trombone, piano, bass, drums and conga drum. We could hardly get arrested—a good band—but we could hardly get a gig. We played for dances mostly; when those black clubs, the Elks or somebody, would give an affair, we'd play for their dancing. Ray Copeland wrote most of the arrangements—a lot were reminiscent of Tadd Dameron." The next Blakey group Silver played with was the famous band that included Clifford Brown. The band made two records for Blue Note (BN 1521, 1522), both still in print, but it only "lasted for a few weeks. Because there was no place to play." Besides the scarcity of clubs, the band had to contend with racism: Silver notes that relatively unknown groups of white players could find work while the Blakey

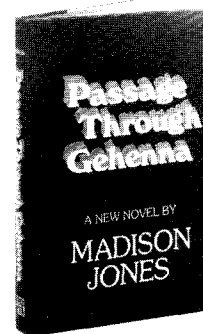


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group sat at home. Back with Blakey a third time, Silver became a member of an informal corporation, the original Jazz Messengers. The band members, Kenny Dorham, Hank Mobley, Doug Watkins, Silver and Blakey, split evenly what money they earned and shared the business duties. "Musically it worked out great, but not in terms of the corporation." The musicians were not equally responsible about business, and the failure of the group convinced Silver of the need for a strong leader. (This group can be heard on Columbia/Odissey 32 16 0246.)

In 1954 Silver played and recorded with Miles Davis. For a while Silver and Davis lived in the same hotel on 25th St. "I had a little upright piano in my room and Miles used to come in all the time and play it. So he called me to make a session with him. I learned a lot of things from him about music. He's a hell of a teacher." Silver remembers Miles playing some of his ideas for the famous "Walking" session on the little upright. He also remembers that Miles did not own a trumpet at the time—he had to borrow one for the session.

In 1954 Silver recorded some of his most popular compositions under his own name: a jaunty tune called "The Preacher," and the humorous, funky "Doodlin." In 1956 came "Senor Blues," the Latin-influenced 12-bar blues that helped make him a leader. "I started my own group quite by accident. After I left the Jazz Messengers, I thought I would cool it for a couple of months and do some practicing and lay back. While I was doing this, I got a call from my agent in New York [Jack Whittemore]. He said, 'There's a club owner down in Philadelphia at the Showboat who wants you to come in there with a band.' I said, 'Well, I ain't got no band. I ain't no bandleader. I don't want the responsibility.'" Encouraged by the agent and the club owner, Silver put together his first group. He has been a leader ever since.

He was reassured about his potential both by experience and by a stranger source, a numerologist in California who told him he was destined to lead. Numerological theory supports Silver's drive toward perfection: "The most difficult thing in life is the most important, perfecting one's self, one's character." Numerology has helped him identify his "negative traits." His name, Silver told me, lacks the numbers 2 and 7, and therefore his character lacks the virtues of those numbers. Thus the title of one of his recent compositions, "In Pursuit of the 27th Man." In fact the develop-

ment of Silver's philosophy can be charted by the evolution of his titles: "From 'Filthy McNasty' to 'I Expect Positive Results,'" an essay on the subject might be called. Silver's belief in the power of positive thinking is at least partially a response to the rigors of the music business, a business that scarred Lester Young and embittered Roland Kirk. Silver notes: "I've been ripped off in my earlier life, my compositions, and I used to be bitter about it. I don't feel that way anymore. What's past is past and I can't hold grudges." He speaks admiringly of Duke Ellington's example: "The fault is in you if you can't handle a situation right. Duke Ellington said it in an interview one time on TV. The interviewer asked, 'Mr. Ellington, we hear you've been ripped off a lot through your career—they've stolen your compositions or haven't paid you. Are you

bitter about this?' He said, 'Oh, no, I can't afford to be, because I'd only be hurting myself.' And that's true. He took the positive viewpoint."

A successful bandleader for over 20 years, one of the most important composers in modern jazz, and one of the music's most effective accompanists, Silver now lives in California. He works clubs and concerts from June to September, and then goes to New York to record. His most recent album, *Silver 'n' Percussion* (BN LA853-H), contains two suites, one dedicated to Africa and the other to the American Indian. He is now working on a suite entitled "The Master and I" for next year's album, and studying the music of James P. Johnson. He is also—as he has done throughout his life—improving himself: after being silver for almost 50 years, he told me, "I'm going to be gold."

Books Considered

The Family, Sex and Marriage in England, 1500-1800 by Lawrence Stone

(Harper & Row; \$30)

Those who admired Lawrence Stone's *Crisis of the Aristocracy* (1965) eagerly looked forward to his book on the family. Stone is a historian of the first rank, whose earlier work combines painstaking research with bold yet careful generalization. Too much of the recent work on the history of the family, on the other hand, generalizes recklessly from slender evidence. Historians in the field need both to clarify their underlying assumptions and to accumulate a rich empirical record. Stone's book, described at first as a short study dealing with the early modern period in England, promised to address both these needs.

At some point, however, Stone succumbed to the temptation, so prevalent among historians of the family, to expand his investigation to its present monstrous proportions. The result, an 800-page book that ranges over more than three centuries and over the entire spectrum of English society, brings together much that is already known about the early modern family but adds

little to the sum of that knowledge. The sections dealing with upper-class family life tend to confirm the familiar thesis that an inward-turning nuclear family gradually replaced the extended kinship networks that characterized "traditional" society.

Stone neither refines this thesis nor explores its inadequacies. His account of lower-class life echoes the misconceptions of contemporary upper-class observers. The further he gets from the subject he knows best—the 16th and 17th-century aristocracy—the more he allows sociological truisms to dictate the choice of materials and their interpretation. In spite of his effort to recreate the texture of everyday experience, in all its complex and contradictory character, Stone deals for the most part with caricatures and stereotypes: the stern Puritan patriarch, bent on breaking his child's will through fear of damnation; the Methodist with his humorless piety, "caring but authoritarian" in his relations with his children; the indul-

gent, affectionate upper-class parent of the 18th century; the degraded individual of the lower classes, who lived only for gin and sex and was "brutal, exploitative, and indifferent" in his treatment of children.

The typologies Stone labors so hard to establish petrify experience instead of bringing it to life. His view of history as a succession of family types ("the open lineage family, 1450-1630"; the restricted patriarchal nuclear family, 1550-1700"; "the closed domesticated nuclear family, 1640-1800") proves remarkably uninformative, reproducing the lifeless, plodding quality of a textbook without its redeeming merit, the summation of generally accepted historical information. His propensity to enumerate "trends" and "factors," his heavy-handed treatment of historical causation, and his simplistic distinction between "the facts" and their interpretation revive obsolete modes of organizing historical experience, serviceable enough when historical study defined itself as a political narrative but inadequate in the face of the complexities presented by social and cultural history.

In language heavy with clichés ("bewildering variety"; "fraught with difficulty"), stylistic barbarisms ("the exclusive legitimate purpose of the sexual act was for the procreation of children"), and dangling participles ("having made this general statement about the growth of patriarchy in the home, one caveat must be entered"), Stone ploddingly and at merciless length recounts the "growth of affective individualism," the "rise of the companionate marriage," and the shift in child-rearing practices from authoritarianism to "the child-oriented, affectionate and permissive mode." He justifies his reliance on written rather than statistical evidence on the sensible grounds that historical demography, while it describes the size and structure of the family, doesn't deal with the "reality of human relationships." But his own account suffers from an astonishing insensitivity to the nuances of literary expression ("One has to steel oneself to read such boring, moralistic and sentimental contemporary best-sellers as Richardson's *Pamela*") and to the emotional overtones of sexuality ("Varying from zero to thirty orgasms a year, [Robert Hooke's] sexual drive was far below that of the average Western man today"; "the next seven weeks were a period of considerable sexual excitement, in which [Boswell] had twenty-five orgasms in all. . . . September 1719 was another period of

peak activity, when he had eleven orgasms in seventeen days").

Stone's understanding of the "reality of human relationships" proves no more complex than that of Edward Shorter, who rested a similar case for the 18th-

that caricature the sentiments they purport to describe. In Stone's world, people marry either for "prudential" or for "affective" reasons, never for a confusing mixture of the two. The "kin-oriented anonymity" of domestic life in the



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century "surge of sentiment" on the increase of illegitimacy, bridal pregnancy, and (allegedly) masturbation. Like Shorter, Stone makes the naive assumption that widespread infant mortality in the early modern period prevented parents from getting "psychologically involved" with their children. Like Shorter, he finds "indifference" and "coldness" in any emotional relationships that fail to conform to current enlightened standards of expressive interaction. When he finds the Puritan divine Richard Baxter writing, "Let this caution be minded, that they don't love inordinately, because death will soon part them," he takes these words not as a commentary on the provisional quality of temporal affairs but as "a warning against excessive affective involvement with others."

On the strength of such misreadings, Stone concludes that people in pre-modern Europe were typically violent, distrustful, and suspicious; that they suffered from a low level of "emotional interaction" and a "lack of warmth and tolerance in interpersonal relations"; that privacy in this period "was non-existent"; and that most people found it hard "to establish close emotional ties to any other person." Too often his argument hangs on simplified dichotomies

pre-modern period, when the family comprised no more than "a loose association of transients," contrasts starkly with the "affective individualism" of the 18th century. The Puritan, with his intolerant asceticism, stands in diametrical contrast to the "opposite personality type," which allegedly dominated English society in the 18th century—"extrovert, easy-going, and willing to tolerate diversity." Oriental religion "had no sense of guilt about sex," elaborating an "entirely different" attitude from the one that prevailed in the West.

Crude formulations of this kind betray a penchant for dogmatic overstatement that emerges even more clearly in Stone's dismissal of psychoanalysis ("The Freudian assumption that sex is an unchanging infrastructure . . . has no basis in reality"); his equally off-hand rejection of feminist interpretations of history ("The history of the 20th century offers no support for the theory that there is any correlation between the growth of women's legal and political rights and the growth of their contribution to the labor force"); his uninformed speculations about adolescence ("The idea that adolescence only became a social problem in the 19th century is sheer historical fantasy"); and in a

variety of other pronouncements.

Quick to dispose of other scholars, Stone depends on their judgments more heavily than he realizes. His literary evidence leads to the same general conclusion as Shorter's quantitative evidence, which allegedly fails to penetrate psychological "reality." Stone rejects Shorter's contention that the lower classes experienced a "sexual revolution," but he does not object to a similar description of sexual practices among the more enlightened members of society. When he finds evidence that contradicts the picture of growing permissiveness, he brushes it aside. Instead of admitting that the 18th-century medical and clerical campaign against masturbation undermines the hypothesis of a "sexual revolution," he argues, irrelevantly, that it arose from a "growing concern for the welfare of children." Similarly he rejects as "unlikely" the possibility that sexual abstinence represented the most prevalent form of birth control in the 18th century, for no other reason than that it does not support his thesis. The model of sexual emancipation, already elabor-

ated by Shorter and by many other historians and sociologists, thus outweighs the historical data and leads Stone to largely preconceived conclusions.

That model in turn rests on a broader set of assumptions about historical change, associated with structural-functionalist sociology and with various theories of "modernization." In a complex modern society, according to received sociological wisdom, the family surrenders its economic and political functions to other agencies and specializes in "affectional" functions. Isolated from larger kinship structures, the nuclear family serves emotional needs; marriage becomes a partnership based on romantic love, and parents rely on emotional rewards rather than force in dealing with the young. In the "democratic" family, the authoritarian power of the father gives way to government by consent. The transformation of the family thus mirrors the transformation of society itself, which ostensibly evolves from an authoritarian to a democratic form, from hierarchy to "autonomy" and "inclusion," from *Gemeinschaft* to *Gesellschaft*. Modernization, according to its theorists, is "a multifaceted process involving changes in all areas of human thought and activity," and it reappears "in virtually all modernizing societies . . . regardless of variations in race, color, creed."

Evidently sensitive to recent criticism of these ideas, Stone tries to dissociate his interpretation from modernization theory, and from *Gemeinschaft-Gesellschaft* typologies and functionalist sociology. He does not see, however, that all three of these traditions represent variations on the same theme. Nor does he understand how deeply they color his own study. Although he claims to reject a unilinear theory of historical development, he repeatedly uses language that makes sense in no other context. The statement that 18th-century England developed a system of companionate marriage "well in advance of continental Europe" assumes that companionate marriage was the goal toward which all societies progressed at different rates. The same kind of thinking underlies the observation that "England was more advanced than France in most respects, but more backward in a few." It underlies the theory of archaic survivals, on the strength of which Stone argues that 17th-century Scotland preserved kinship patterns that had once existed throughout England, or that "the lot of a

working wife" in the 19th-century Scottish Highlands "was probably like that of many women today in underdeveloped countries." An unanalyzed idea of modernization informs the generalization that mating arrangements evolved through four stages (parental control; parental control with a veto by the participants; participant control with parental veto; full participant control), just as it underlies the argument that the European "world view" evolved from the Great Chain of Being to the Hobbesian war of all against all and thence to the 18th-century idea that the pursuit of individual happiness contributes to the general good. This formula implies that the third view displaced the second instead of merely superimposing itself on it; it prevents us from seeing that 18th-century utilitarianism in practice, carried to the extreme of 19th-century competitive capitalism, has produced in our own time a return of the repressed, a new war of all against all. As always, the alternative to a unilinear theory of history is a dialectical theory, not a non-theory that retains the general outlines of a unilinear scheme while blurring them with "multicausal" explanations and occasional references to "cycles" and "long-term see-saw oscillations."

At the beginning of his book, Stone quotes Levi-Strauss on the choice historians have to make between "history which teaches more and explains less and history which explains more and teaches less." Anecdotal history, Lévi-Strauss argues, "is low-powered history, which is not intelligible to itself, and only becomes so when it is transferred *en bloc* to a form of history of a higher power than itself." In his own study, Stone says he has tried to combine anecdote and analysis "in the perhaps vain hope that it may thus be possible to have the best of both worlds."

But this is a trivialized version of Lévi-Strauss's meaning. He has in mind a distinction more important than Stone's contrast between anecdote and "analysis." He wants to make us see the difference between two kinds of historical analysis, that which says merely that B followed A and a higher kind of analysis which says that B *had* to follow A. Far from combining the best of both, Stone's method retains the advantages of neither. On the one hand, his "multicausal" approach falls short of the kind of theoretically informed historical analysis that attains a "higher power than itself." On the other hand, it un-

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wittingly incorporates an abstract sociological model of family development that does not even have the saving virtue of empiricism. Stone's book abounds in empirical details but forces them into a neo-evolutionary model of change. Not content with a monographic contribution to a field still in its exploratory stages, Stone has attempted a premature synthesis that necessarily depends on defective theories and sociological clichés.

The developments characterized by Stone, Shorter, and others as a movement from an instrumental to an expressive view of marriage, sex, and family life are better understood as the triumph of civilized sexual morality. Just as the growth of royal authority destroyed feudalism and put an end to private warfare, so the extension of civil jurisdiction over marriage undermined the authority of the extended family and freed the choice of a marriage partner from regulation by the kin group. The result was a domestication of affect, not a sexual revolution. The idea of romantic love came to be associated not with adultery, as in the courtly tradition, but with marriage.

As the kin group retired from the supervision of sexual conduct during courtship and marriage, people internalized a new code of sexual morality in many ways more restrictive than the old, since it condemned both adulterous passion and sexual relations during courtship. Bourgeois domesticity, developing in opposition to courtly traditions on the one hand and to peasant customs on the other, exalted romantic love only to restrict its expression to marriage. It freed sexual life from external supervision only to subject it to inner controls, which generated in their more extreme form the neurotic patterns—frigidity in women, "psychic impotence" in men—described by so many 19th-century observers and later by Freud. Meanwhile the attempt to impose bourgeois domesticity on the lower orders elicited from middle-class reformers the horrified accounts of drunkenness and promiscuity accepted by Stone as an accurate description of lower-class demoralization.

What Stone mistakenly interprets as a return to "patriarchy" in the 19th century merely brought to the surface the more repressive aspects of 18th-century domesticity. In the end, however, affective individualism undermined domesticity itself and made the individual directly dependent on the authority of the state, unmediated by

the extended family or even by the father. The new forms of slavery inherent in sexual liberation, fully manifest only in our own time, were already grasped by Sade when he wrote that children belong not to their parents but to the state. In his madness, Sade perceived—more clearly than 20th-century historians who uncritically accept the ideology of affective individualism—that the glorification of the individual

prepares the way for his annihilation, and that sexual freedom under capitalism ends not in personal autonomy but in the universal obligation to enjoy and be enjoyed.

Christopher Lasch

Christopher Lasch, a history professor at University of Rochester, wrote *Haven in a Heartless World: The Family Besieged* (Basic).

Illness as Metaphor by Susan Sontag

(Farrar, Straus & Giroux; \$5.95)

Susan Sontag is a combative person who feels most intensely alive when she is against something, or things in general. Beginning with her first collection of essays, *Against Interpretation* (1965), she has consistently been against interpretation of both art and life by the elaborate hermeneutic systems of Freudianism and Marxism. She opposes these "aggressive and impious theories of interpretation" because she thinks they impoverish the world only to set up "a shadow world of 'meanings.'" By encouraging us to see everything, including our own lives, from the outside, as something else, they profoundly alienate us from the world and our own humanity. Sontag rejects what she considers "tired" humanistic attempts to explain the world, for she believes that "the world (all there is) cannot, ultimately, be justified," and she is most concentrated and energized by direct confrontation with the unjustified experience of the world.

Cancer is precisely such an experience, and since Sontag learned that she had cancer in 1975 she has undergone five operations, including a mastectomy, and chemotherapy. She said in a published interview that for six months after the breast surgery she was unable to write, blocked by fear of dying. Out of this confrontation of the self with disease and death and our ways of thinking about all of them, she has written *Illness as Metaphor*. It is not an autobiographical narrative of personal trauma, though anyone who has been through the experience of cancer immediately recognizes that she has been too. Sontag's response to cancer and the threat of death is her characteristic response to life: she is once more vitally

against something, and in this book she is against the metaphoric thinking about disease which makes it more traumatic than it would be in itself.

Illness as Metaphor is a critical analysis of our habitual, unconscious, and even pathological ways of conceptualizing illness and of using the vocabulary of illness to articulate our feelings about other crises, economic, political, and military. Sontag is seeking to go behind the language of the mind to expose and clarify the assumptions and fears the language masks; she wants to liberate us from the terrors that issue not from disease itself, but from our ways of imagining it. She focuses on attitudes toward tuberculosis in the 19th century, before its cause was known, and toward cancer now to show that when a disease strikes at individuals, rather than whole populations, and when the cause of that disease is unknown and treatment is ineffectual, it becomes a screen onto which we project our deepest fears. We fear cancer, which accounts for only about 17 percent of all deaths in the U.S., in a way we do not fear heart disease and stroke, which account for 50 percent of all deaths. We project onto the

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mysterious disease our fears of physical disfigurement and pain, weakness, corruption, loss of control, of not being worthy of love, being abandoned, being stuck with only the life we've lived, of death. We consider these fears shameful and unnatural and we alienate them from our lives by projecting them onto diseases such as tuberculosis and cancer, which then themselves become shameful, obscene, things to deny—even when they return to us in a diagnosis.

Central to Sontag's argument is the way both TB and cancer have been defined as diseases of passion: "As once TB was thought to come from too much passion, afflicting the reckless and sensual, today many people believe that cancer is a disease of insufficient passion, afflicting those who are sexually repressed, inhibited, unspontaneous, incapable of expressing anger." Both diseases are thus viewed as forms of self-judgment, of self-betrayal: one's mind betrays one's body; disease is seen as a language, a form of self-expression, and diseases and patients become subjects of decipherment. Being against psychological interpretations of art, Sontag is even more aggressively against interpretation of disease as an expression of a person's will because she understands how moralistic and punitive such a view is. It puts the onus of the disease on the patient and makes the cure "depend principally on the patient's already sorely tested or enfeebled capacity for self-love."

Here Sontag draws a distinction between the interpretations of TB and cancer to show that the cancer typology is far more punishing; she says given the romantic values in use for judging character and disease, some glamor attaches to having a disease thought to come from being too full of passion, but there is mostly opprobrium attached to a disease thought to stem from the repression of emotion. Cancer is made to seem shameful, and cancer patients are made to feel guilty, both that they have caused their disease and that they have deserved it.

To free herself and all cancer patients from this terrible and persistent burden of guilt, Sontag once again attacks the modern predilection for psychological explanations as a self-deceiving and self-damaging attempt to control the experiences and events (like grave illnesses) over which people have in fact little or no control. Psychological understanding is viewed by Sontag as undermining the "reality" of disease,

which for her lies exactly in its being "unjustifiable"; this is her definition of what is real in our experience, and she urges us to accept it for what it is and not to make it into something else.

All of this is smart and tough and fair



Susan Sontag

enough, but at just this moment of deepest insight, Sontag pursues her own analogy between TB and cancer too far, too confidently. At first she only suggests that because theories about the emotional and environmental and hereditary causes of tuberculosis were proven wrong by the discovery, in 1882, that TB is a bacterial infection, so too will the current theories about the causes and treatments of cancer be proven wrong. "The resemblance of current ideas about cancer's myriad causes to long-held but now discredited views about TB suggests the possibility that cancer may be one disease after all and that it may turn out, as TB did, to have one factor which causes it and need one program of treatment." But then this suggestion becomes an assertion which leads Sontag to dismiss all hypotheses that cancer may have multiple causes, such as carcinogens in the environment, genetic makeup, lowering of immunodefenses by a previous illness or emotional trauma, as well as characterological predisposition, and hypotheses that cancer is not one but many different diseases, each of which must be studied and treated differently.

Although Sontag's view is shared by authorities such as Dr. Lewis Thomas, president of the Memorial Sloan-Kettering Cancer Center, there is no conclusive evidence to support it, and other

experts espouse the hypotheses she dismisses. We now all know what causes tuberculosis, but no one knows for sure what causes cancer. That the theories about TB and cancer may be similar does not mean that their actual dynamics will necessarily be the same. Moreover, Sontag seeks to resolve the genuine uncertainty about the exact degree of influence of mind over body by simply declaring that there is none; to her diseases are physical, they have physical causes like bacterial infection, and they can be prevented, controlled, and cured by medical treatment. Patients do not cause or cure their illnesses. Sontag's view of cancer is heroically clear and strong; she is striving to liberate all of us from the complex and damaging myths about cancer by limiting it to something as manageable as tuberculosis is now. But the actual uncertainties about cancer the disease cannot be willfully excluded, even in the noble desire to alleviate its psychological trauma. She can cast a beam of light onto this dark side of our lives; she cannot dispel the darkness with word magic.

But if the force of Sontag's admitted "passionate partiality" sometimes threatens to make her argument reductive, it also enables her to show convincingly that metaphors of illness are themselves simplistic and dangerous. After analyzing how any important and mysterious disease allows us to project onto it the subjects of our deepest dread—weakness, corruption, anomie, death, Sontag then goes on to demonstrate how the disease itself becomes a metaphor, imposing the horrors we have projected onto it onto other things. Cancer becomes the public enemy in all the various forms of pollution, urban decay, crime, Watergate, Communism and on in paranoid fantasy until it is thought of as a disease of the contamination of the whole world. Sontag understands that although most people have a sense of "evil" in the world, they no longer have religious or philosophical language to talk intelligently about it, so they make metaphors out of disease. "But the modern disease metaphors are all cheap shots. . . . And the cancer metaphor is particularly crass. It is invariably a call to simplification—always to be resisted. And it is, in most cases, a justification of fanaticism, of harsh measures, including, usually, violence."

Sontag's confrontation with cancer and its treatment has empowered her to perceive that the pathology of our ways of thinking about the disease is a

condensation of the large insufficiencies of this culture, which she has always been against: our shallow attitude toward death, our anxieties about feeling, our reckless improvident responses to our real "problems of growth," our inability to construct an advanced industrial society which properly regulates consumption, and our justified fears of the increasingly

violent course of history. Susan Sontag has not only survived but transcended her own illness, and all of ours as well.

Edwin J. Kenney Jr.

Edwin J. Kenney Jr. teaches literature at Colby College, Maine, and is the author of *Elizabeth Bowen* (Bucknell University Press).

A Place for Noah by Josh Greenfeld

(Holt, Rinehart and Winston; \$10)

Parents of disabled children share with other Americans an impulse to view their lives as an "education," and to find at all costs a purpose and a pattern in their experience. Yet life as we live it day to day (particularly at rock bottom) is far less comprehensible. The order we discover after a crisis passes may only exist retrospectively.

Noah Greenfeld is a brain-damaged and severely retarded 11-year-old; professionals of a certain stripe describe him as "autistic." He spends his days in purposeless wandering, occasional acts of random destruction, and repetitive, apparently meaningless, self-stimulation. He can't talk or dress himself or manage the toilet reliably. He causes his parents a great deal of pain.

Josh Greenfeld's *A Place for Noah* tells of confusion, guilt, anger, loneliness, terror and unfathomable sorrow that have not been embalmed by memory or fitted into a tidy pattern. An earlier selection of entries from Greenfeld's journal (*A Child Called Noah*, 1972) described the family's search for diagnosis, treatment and help during Noah's first five years. *A Place for Noah* picks up where the first book left off, charting the Greenfeld's journey from 1971 up to the present. No one would describe it as an upbeat book—Greenfeld has not found a cure for his son's brain damage, or redemptive meaning in the family's loss. It is a painful chaotic account of ambivalence, hope, despair, love, and commitment.

Noah wakes often during the night and rises early in the morning; his parents are eternally weary. Fatigue wears heavily on already-frayed nerves. Greenfeld writes with rare candor of the

impact on his marriage. Josh and his wife Foumi argue—about the small-scale catastrophes of daily life and about the major unanswerable questions raised by Noah's very existence. They are caught in a double-bind; keeping Noah at home seems nearly impossible; placing him in any of the available institutions appears equally intolerable. Exhausted and uncertain, they sometimes turn on one another. On particularly bad mornings Foumi explodes, announcing that Noah must be placed in an institution, that he devours their lives to no purpose. A fight ensues—even though Josh feels very much the same way. Since there are no decent alternatives, Noah remains at home.

This hideous and undeniable fact—that good residential care is so rare and so expensive that for most families it simply does not exist—clouds the future of every family with a permanently dependent child. Parents of such children face their own mortality earlier and more often than the rest of the population. Their child will require their care beyond their lifetimes. Daily fatigue and occasional sickness remind them of their own physical limitations. On a bleak August day, Greenfeld looks ahead. "Every once in a while I project the future: I see Foumi at seventy-five, Noah at forty, and myself mercifully dead." Many people comfort themselves during bad times by dreaming of better days ahead. This balm is denied Greenfeld. He fears that the passage of time will turn beautiful Noah into a grotesque and bring all of them to the crisis of a painful parting.

Just as a child like Noah distorts our relationship with the future, he also

changes our perspective on the past. For many people—for me, and also, I suspect for Josh Greenfeld—the birth of a disabled child marks the end of youth. It closes a period when we see our possibilities as limitless, when we believe we can do everything, or at least anything. We contemplate our child's tragic limitations and our own helplessness in the face of apparently boundless need. We learn that our potentialities, although real, are finite. In order to take up any option we will need to forswear other equally compelling choices.

So Greenfeld at 45 finds himself attracted to high school football games, to the memories of a time when he lived alone in a cold water flat and dreamed of becoming a great playwright. He mourns for his own unrealized potential, for a life unshadowed by Noah where he would have written more, where Foumi would have continued her promising artistic career, where his older son Karl might have had a normal brother. So much energy and creativity have been sapped in the infuriating, deadening mechanics of cleaning excrement off walls and bed clothes, of toileting, dressing, and bathing. So much time and emotion have been fed into the maw of bureaucracies, in hope of getting decent schools for Noah and his peers. All this in addition to the ordinary difficulties of raising a normal—and normally difficult—child and living in something like harmony with an equally overburdened spouse.

The lives of parents and children tangle until it is hard to tell one from the other. Noting how little operant conditioning has helped Noah, Greenfeld wonders why he concerns himself so much about schools and treatments. But the answer is obvious: "Because if I were to say there is no hope for Noah I would be saying there is no hope for any of us." So it is for many more conventional families. Our children are, as Greenfeld has written elsewhere, the celebration of our lives. We make them the guardians of our happiness. Because they are so often charming, because they astonish us with their beauty and unexpected wisdom, the sense of proprietorship and responsibility gives us great—if intermittent—joy. Greenfeld has days of delight. When Noah locates a public bathroom unassisted and uses it appropriately, Greenfeld exults. When Karl learns to ride a bicycle or turns a deft phrase, his father shares his triumph.

People who struggle to raise ordinary

children wonder how others weave a child's disability into the fabric of an ongoing life. Sometimes they imagine that these parents are in some way different from the common run of humanity—more durable, more serene, more earthy. Any reader of Greenfeld's books will see that this is not so, that "exceptional" parents suffer as anyone else would, and survive because they must, not because time or Providence fits them especially well for the role.

Living with the inevitable, Greenfeld finds pleasure and amusement in the particular life he's got. Taken together, these pages from his journal speak to us with the same brand of realism which Karl musters when his father asks how it feels to be in a family with a brain-damaged brother: "I don't know what it feels like being in a family without a brain-damaged brother."

Parents of disabled children find different ways to pick up the threads of a blocked life. Some have another baby, and through him or her regain some of the self-confidence and hope which withered with the older child's diagnosis. Others allow the handicap to guide their involvement with the wider world in new directions. They study special education, lobby for better services, or write a book about their child. Foumi Greenfeld, with Josh's help, started a day-care center for disabled children. The satisfaction and pride both Greenfelds derive from this achievement is Noah's contribution to their lives.

It's ironical: If Noah has proved debilitating to our dreams, he has also provided the material for a kind of realization of ourselves. It's not the realization either of us anticipated or wanted, but then one cannot predetermine the scenario one is destined—or doomed—to act out, either.

The girl from Osaka and the street kid from Brooklyn wind up doing some good. Which ain't bad.

Without Noah there would have been more paintings, more plays, and no day-care center. And, of course, no books about Noah. That would have been a pity. Anyone who wants to understand the experience of a family with a disabled child needs an informant who insists, as Greenfeld does, on the most painful truths. Other parents need to know that at least one father finds his lot intolerable at times and dreams of murdering his son. They need to hear from an adult who rejects the notion that a special child inevitably enhances family life (which is, Greenfeld writes,

"like saying that the Jewish people are better for having undergone Dachau, the Japanese enhanced by Hiroshima").

But this book speaks to a wider audience than parents of exceptional children and the professionals who try to serve them. It is for everyone who wants to learn about the bonds that tie people together in families, about crises,

about anger, fear, grief, guilt, loneliness, joy, pride, and love. About looking grim reality in the eye and going on.

Helen Featherstone

Helen Featherstone teaches in the Harvard Graduate School of Education, and is at work on a book about disabled children.

Violet Clay
by Gail Godwin
(Knopf; \$10)

Blue in Chicago
by Bette Howland
(Harper and Row; \$8.95)

There seems to be a vogue for getting back to nature, current in fiction written by women; not necessarily by feminists, but usually just by women who feel they have an obligation to their sex. The heroines of these novels are sent, with extraordinary regularity, to take long vacations in the Outback, or the tundra, or the Adirondacks or the off-season shores of Long Island, so as to Come to Terms with Themselves. Sometimes, in more ambitious stories, they also Come to Terms with Nature. They rush into the Boondocks, paintbrush or typewriter in hand, since most of them seem either to write or paint, and discover what Jane Eyre knew all along; that they can manage on their own.

There used to be a male myth about going into the wilderness, which was parallel to this female one, but it usually involved some form of bread, wine and Thou. Women tend to deny themselves the comforts; particularly, of course, Thou, who would only spoil the delicious novelty of independence, or, worse, like Mr. Rochester, turn out to be a monumental nuisance. And though the two myths, male and female, cover pretty much the same ground, they move, alas, in opposite directions. One gets a dismal view of the future, in which the hero of the conventional *Bildungsroman*, having been duly socialized and taught the value of love, meets the heroine of this newer convention, who has just been, as it were, desocialized and taught the value of not loving. He might as well shoot himself. Or shoot her. Or return like a sensible man to the

happy isolation of his adolescence and go fishing. Something, somewhere, is wrong.

What it finds poignant expression in Gail Godwin's newest novel, *Violet Clay*, a terrifying example of sentimentality in the disguise of contemporary sensibility. Violet, whose name embodies the antithesis between a shrinking and an earthy persona, is an uncanny cross between Melanie Wilkes and Little Audrey. An orphan, she has been raised in a Charleston mansion by her grandmother, who has lost her fortune and taken to drink. Violet is a painter; having failed to crash the New York art scene, she makes a life of equivocation, and paints book jackets for lurid romances, sometimes using herself as the model. She swigs vodka, engages in disengagement with various men, and admires her Uncle Ambrose, who has written one good novel during the war and malingered ever since. Clearly the Gothic fiction, with which she is working and which she transmutes in fantasy into the travesty of her own life, is the past which she has to transcend. And clearly Uncle Ambrose is the symbol of all its most attractive and pernicious aspects, its dependent gentility, its dilettantism, its exploitation of women, its exploitation by women, its reliance on war and excitement for meaning, and, above all, to state the obvious, its maleness.

And there lies trouble; for Uncle Ambrose is as poor a spokesman for the male as Violet is for the female, neither of them having quite made it to flesh and blood. Pursued by none of the furies

which in fact wreck the lives and work of artists, subject to none of the banal irritations of real life, they are no more than cardboard placards on which to write unconvincing messages. None of the novel's characters has been translated by Godwin's imagination into credibility. They speak to each other in prolix and tendentious conversations, so unedited by personality that they are droll; especially those between Violet and Milo, a neuter personage of such excruciating unreality that he makes one long for a Milton Berle female impersonation, just to get one's bearings back. When Uncle Ambrose commits suicide, Violet takes over his cabin in the Adirondacks, and makes the leap back to nature *de rigueur* for ladies of the late 1970s attempting to establish independent careers. In the woods, for reasons never made clear, she finds meaning and inspiration in the example of the sinewy young woman next door, whom I suspect, though I hope I am wrong, of standing for the Woman of the Future. This person's name is, of course, Sam, and she has, of course, survived triumphantly a history of rape and incest intended to jar, as it does, against the heroine's own self-indulgent progress, as patrician frivolity meets *lumpen-squalor*.

Well, to be fair, a lot of this is the fault of bad writing, an inability to describe exactly or to transcribe the sound of different voices into anything resembling living language. "I know this is not the evening for looking on the bright side of things," says poor Milo, "what with this tragic news you've just learned, but as far as your leaving Harrow House is concerned, I think it might turn out to be a blessing in disguise. For so long you've wanted to paint your own things." And Violet comforts herself, "humorously" yet, with this stunning sentence: "Well at least . . . I'm not in the middle of South Dakota with nothing but the clothes on my back and a trio of rapists' seeds battling it out for ascendancy in my womb." I weep for the pen of a cartoonist, or the pencil of an editor.

But there is worse than this, the basis from which the flabby language, the insubstantial characters, the odd lapses of taste seem to spring; the novel is simply half-baked, half-created, and so far from inevitable that one reads it constantly reminding oneself that it could easily have been avoided. Violet Clay's struggle to become an artist has nothing to do with such pompous motivations as vision or sensitivity, or

the compulsion to express deep and paradoxical passions. Heavens no! It is the result of a moderate facility and the immoderate impatience of Eve to take a bite of the Big Apple. If the book carries any conviction with it, it is that Violet's esthetic is pretty much molded by her author's, a schoolgirl sensibility in search of vocation. Gail Godwin has been regarded highly as a novelist for some time, certainly since *The Odd Woman* was published in 1974, and I wonder unhappily how much of that regard is due to the fashionable nature of her themes, which can create, without feeling for character, language, ambience, or moral significance, a job lot of current concerns that passes as "Women's Fiction."

Despite its title, Bette Howland's *Blue in Chicago* is at the opposite end of the literary spectrum from *Violet Clay*. But its six pieces cover somewhat the same territory as Godwin's novel: the woman alone in the city, the decay of tradition and accepted forms, escape to the "country," the voids defined by relationships, growing older, death. Themes important, God knows, not only to women in the contemporary world, but to all of the contemporary world, and to any world ever treated by fiction. Howland's work, however, despite the fact that its method and texture are those of fiction, is really a marriage of reportage and essay, a carefully documented record of personal experience against an evocative and witty counterpoint of comment and illumination. In the first story, the author is living in the middle of what she calls "the defoliation of the slums," where violence is "a topic of dinner-table conversation. Our fear is becoming socialized." In the second piece, "To the Country," we are first at a farm where the raising of hens and the laying of eggs have turned into an assembly-line process, then at a collapsing summer cottage, on the shores of Lake Michigan in name only. The neighbors here are in the grip of mental anguish and kleptomaniac; the visit of a raccoon, which may be a cat or a rat, is an event. Howland ends the piece with rhetoric: "Where is that undiscovered territory? Where the air is clear and consciences are clean? How do we get there? How do we cut our path through this wilderness? . . . The tyranny, the tyranny of these dreams of peace and quiet." Her ironic nostalgia is not only more instructive but more hopeful, in its sheer willingness to look hard at disorder and make sense out of confusion,

than all the homemade epiphanies of fashionable souls searching in the wilderness for what is called, I believe, their "deepest self."

Howland describes a city and a culture growing poorer, more frightened, losing day by day a little more of its accustomed humanity. But there is, at least, a great deal of humanity to lose; it is a precious, ubiquitous, but not infinite commodity, whose departure must be reverently catalogued. Howland makes a great deal of contemporary fiction look wonderfully callow, and the non-fictional, documentary nature of her book gives particular thrust to the changing rituals and lost ceremonies which were once dear and familiar. In the first piece there is a wedding; the groom's Jewish family, most of them intermarried themselves with non-Jews, sits on the wrong side and grumbles at the genuflection required by the Catholic service. In the second piece, things are further along into chaos; another wedding is described as an audio-visual program with Rod McKuen texts, followed by a display of the happy couple's arts and crafts. "You go to a ceremony, you get an exhibition," says a guest, in what might be the epigraph for modern life. And by the last story, when the grandmother dies, the matriarch at the center of the family's life, loved by all, cared for by none, her sons are not able even to say Kaddish for her.

The pieces, which are colloquial and seem almost casual in their construction, are in fact very complex, meticulously unified by theme, location, narrative. The past lies folded inside itself, inside the present, which has grown around it petal by petal. Unfold one, you unfold all. Howland defines her characters with a combination of precision and extravagance which reminds me often of I.B. Singer.

The book evokes simultaneously the spirit of what is going and gone, and the

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specter of what is still to come. But the winds of change and destruction which are blowing through Chicago are part of a larger and less seasonal turn of weather, of times which are always passing and things which are always getting worse as our own place in history, our own perspectives, change to see them so. "The old woman is dead," says Howland, describing the grandmother's funeral. "My own children are grown. Soon I will be forty. Move over, Mother. I'm in the middle now." An elegy for institutions which are falling apart, a city which is turning into a slum,

and a family which is losing its place, *Blue in Chicago*, like most elegies, tempers its mourning with triumph; in this case, triumph at the simple tenacity and continuity of life. It would be hard to find another account of urban chaos as objective, as precise, and as warm as this one is, or to find one that evokes with as much eloquence the sheer vitality of decay.

Edith Milton

Edith Milton is a novelist and short story writer.

France, 1848-1945

Volume I: Ambition, Love and Politics

Volume II: Intellect, Taste and Anxiety

by Theodore Zeldin

(Oxford at the Clarendon Press; \$19.50 Vol. I, \$29.95 Vol. II)

Theodore Zeldin has contributed to the Oxford History of Modern Europe two volumes remarkable in conception and prodigious in execution. He has amassed in enticing chapters, "Gerontocracy," "Conformity and Superstition," "Eating and Drinking," "Hierarchy and Violence," stupefying quantities of information. The book stands fair to replace any and all biographical dictionaries. He knows how every principal was related to every other; he has unearthed, for example, in the notes of the psychologist Pierre Janet, the nephew *not* the son of the moralist Paul Janet, a session which does appear to be Proust's attempt at psychotherapy. Zeldin has read every cookbook, marriage manual, and railway timetable published in the period and many that were not published and apologizes for not reading more.

Yet, it is all doggedly middlebrow. He dismisses Flaubert in a sentence, but presents no evidence, indeed, makes no argument, that any particular country practitioner's ruminations on marriage were, in fact, more influential than *Madame Bovary*. The book's anti-intellectualism is unwavering and curiously self-defeating. Zeldin finds intellectuals "essentially abnormal in their attitudes," triply so: "self-conscious," "unable to tolerate the contradictions of life," and disposed to seek "solutions of universal scope, and of an abstract nature applicable to all men." Yet, he admits simultaneously that these dispositions were very widespread, specific to no class or region, as common among autodidact cobblers as academicians, in sum, intrinsic to the France he seeks to explain.

The suggestion that her intellectuals forced upon France quarrels she might have been spared, differences which in happier lands would have been settled amicably among gentlemen, is, of course, an old one. It is a standard British interpretation of the Revolution. And although Zeldin's excoriations do not match Burke's—nor even Alfred Cobban's, who so trivialized the events of 1789 that an enraged George Lefebvre was driven to ask whether Professor Cobban believed anything at all had taken place that year—they similarly misconstrue the relation between

politics and belief, between ideas and action. A personal crochet or the animus of a coterie will not resonate. A historian must account for the appeal of an idea, not scoff at it.

At issue, here, is not the question of skeptical or anti-theoretical history. Richard Cobb, Oxford's great historian of France, also eschews categories; he very nearly avoids collective nouns altogether and does superb history. Cobb speaks of individuals, not of the bourgeoisie or the peasantry or the Third Estate and limits himself to perfectly realized vignettes, written in profound sympathy with the people he unerringly situates in place and time. Zeldin, like Cobb, prefers France picaresque. One nation of shopkeepers is enough; neither wishes that Robespierre had succeeded in establishing his "greengrocers' paradise."

But Zeldin is more ambitious. He has set out to write a general history. He does this, to the extent of some 2000 pages, without ever coming to terms with the Enlightenment or the Revolution. His treatment of Jansenism is revealing; and again the contrast with Cobb is instructive. Cobb disdains sociology and writes beautifully; and everyone who cares for history as *belles-lettres* rejoices that his pages are not cluttered with matrices and paradigms. Zeldin, on the other hand, ought to avail himself of sociology, for it is inconceivable that anyone who had read *The Protestant Ethic* could have misconstrued Jansenism so utterly as Zeldin has. He explains the generally accepted congruence of anti-clerical regions with old Jansenist strongholds in negative terms, "its moral rigorism undoubtedly had the effect of turning people away from church." He never entertains the thought that people may, sometimes, hunger and thirst for austerity; he does not sense that Jansenism—like Calvinism, determinist, wary of ritual, disdainful of absolution, militantly vernacular—might have been for certain populations the only possible form of Christianity. Nor does he consider whether its suppression by the Church, rather than the sternness of its teachings, drove men into apostasy.

But, Zeldin need not have gone to Max Weber for those suggestions; because it is precisely the argument made by the monograph Zeldin adduces to support his "austerity repels" thesis. Pierre Ordioni, in *La Survivance des idées gallicanes et jansenistes en Auxerrois de 1760 à nos jours* (Auxerre, 1933), concluded just that: the wine-dealing, book-reading

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bourgeois of Auxerre, protected by an influential bishop, remained Jansenist until a few decades before the Revolution; it was the late and vengeful suppression of this community by the Church which precluded sympathy for Catholic priests when they were, in turn, harassed in the 1790s.

Yet, his distaste for the earnest aspects of France and for its priest-baiting, pro-heretical, philosemitic historians finds expression in puckish revision, sometimes eccentric, sometimes ludicrous. Two notable examples: first, considering the classic divided family, free-thinking husband, pious wife, which troubled French moralists and blocked women's suffrage throughout the Third Republic because republicans feared women to be wax in the hands of the royalist Church, Zeldin proposes brightly that the Church be "appreciated positively as one of the most important ways by which women began to liberate themselves from the domination of men." He overlooks, of course, something no republican husband ever forgot, that priests were also men. Second, Zeldin seems more than forgetful in implying that the defense of Dreyfus was, in a general way, a disservice to French Jews: "... it also exacerbated anti-Semitism and chauvinism into far larger proportions. It was one of the great failures of the republic. . . ." What was one to have done, convinced of the man's innocence? Turn the other cheek?

I would wrong Zeldin in giving the impression that the book rests upon inane or tendentious *aperçus*. The book is a masterpiece; but a masterpiece of a particular sort. Zeldin aspires to *pointillisme*: "I prefer juxtaposition so that the reader can make what links he thinks fit himself." The difficulty is, no matter how far one gets from some of the chapters, they don't resolve. Much is incoherent and contradictory, not because France is paradoxical, but because the evidence is insufficiently interpreted. Zeldin, for example, finds "nineteenth-century feminism . . . principally supported by the socialists"—a dubious assertion and one which ought to be qualified by some mention of the obdurate patriarchy of the Proudhonians—two pages later, he deplors its "moderation" and complicity with free-masons and "opportunistic republican politicians." Yet, most of what he says is not suggestive; and though the book is not quite, as Voltaire said of Shakespeare, a dunghill strewn with diamonds, there are, if not gems,

hundreds of incipient dissertations buried therein.

Nevertheless, Zeldin's last chapter, "Hypocrisy," seems to me outrageous. He does not understand that people who do not achieve all they wish to accomplish may not be hypocrites; they are, perhaps, thwarted by resistance more powerful than they could have imagined. The principles of 1789 did not wholly transform French society. But as Alain wrote, "the right does not exist in words alone, but it exists *first* in words." An abuse will not begin to be abolished until it is called an abuse, not granted as a prerogative. The experience of the Revolution profoundly affected France and the world. Its memory, Tocqueville said, troubles the sleep of tyrants. *La lutte continue*. Zeldin fails, when he does fail, in magnanimity. He cannot sympathize with revolutionary aspirations; he cannot even imagine that greengrocers might have visions of paradise. And this

gives him an understanding of France not, as historical understanding should be, superior to that of the actors by virtue of its perspective and detachment, but one deeply flawed by partisanship. For despite Zeldin's erudition, the book is cavalier in both senses, anti-republican in politics (The Counter-Reformation bears "fruits"; the Revolution leaves "damages" to be "repaired"), and nonchalant in argument.

Above all, the concluding chapter made me wish that a French historian would write a history of England with a final chapter, "Amnesia," recalling their regicide zealots and lunatic egalitarians. For Albion's old chestnuts, too, were watered with the blood of king and bishop.

Katherine Auspitz

Katherine Auspitz is associate professor of sociology at Harvard.

The Yugoslavs by Dusko Doder

(Random House; \$10)

Yugoslavia is, for the United States, a nation of stereotypes. The first, and perhaps only, Communist democracy. The brave David standing up with courage and, even more remarkably, with success, to the Russian Goliath. A backward, Balkan nation that has by sheer force of will, talent and perhaps a dollop of luck, pulled itself up out of a morass of ignorance and poverty to stand with the West economically, socially and politically.

But there is a danger in each of these stereotypes, a danger that only deepens as they persist and as the time nears when, on the death of the now 86-year-old Marshal Josip Broz Tito, the United States may have to make very quickly some hard choices in its dealings with whatever or whoever might follow in this often bizarre and complex land.

How will the Yugoslavs react in the approaching future, when Tito, the one stabilizing force that has tied their country together since the Second World War, is suddenly removed? Will they, in their moment of panic, turn on each other, Serb against Croat, Bosnian

against Montenegrin, Slovene against Macedonian? Will they turn inward to their own inner strengths, which are formidable; or reflexively to their fellow Slavs, the Russians; or pragmatically to the West and the material prosperity it has brought over the past 20 years? How might the East and the West react to these different forces? Is it realistic to expect the Soviet divisions poised at the Hungarian frontier to come screaming across the Vojvodina plains into Belgrade come the apocalypse?

Dusko Doder, who beyond spending three years here for *The Washington Post*, was also born here into a typical Bosnian family, goes a long way toward making some sense out of the myths that have long surrounded Yugoslavia. And herein lies the principal value of his book. The Yugoslavs become a people or a melange of peoples—Serbs, Croats, Bosnians, Montenegrins, Macedonians, united by common aspirations, enemies or fears and divided as well by vastly different cultures, histories, religions and temperaments.

There are still powerful, visceral ties

here with the East—the concept of pan-slavism that holds that all Slavs (the Russians and Poles or North Slavs; the Serbs, Montenegrins and other South Slavs that comprise Yugoslavia) are identical in their basic cultural, linguistic, and ethnic traditions and in their fundamental attitudes toward life.

There is, for instance, the concept of “veza”—“influence, pulling strings, an alternative bureaucratic system comprised of networks of clan and family links, old friendships. . . . If a man has veza, then everything is possible.” It’s a form of corruption common to the Soviet as well as the Yugoslav system and one neither has been able to stamp out effectively.

There are other similarities—the innate distrust of foreigners, and the parallel need for total self-reliance, that are manifested in differing degrees in the reluctance to tolerate any overt dissent. There’s a particularly poignant anecdote when Doder returns to visit his only living family which he “imagined (would) be one of those happy Balkan reunions.” It wasn’t. “‘They are all spies,’ Uncle began his long monologue while looking at Aunt. ‘Why do you think they’ve sent him here? And to

Moscow? He speaks languages, knows the people. Two hundred million Americans and they send him. . . .’ For once I was happy that Karin [Doder’s wife] did not understand Serbo-Croatian. But I knew she’d sensed the chill in the air, and had noticed Uncle’s voice curdling with censure.”

Then, too, there are the parallel traditions of the strong central hand on the tiller—be it Tito in Yugoslavia or Brezhnev in Russia, Tsar Stephen Dusan in 14th-century Serbia or Ivan the Terrible in 16th-century Russia. None tolerated dissent, though their methods varied, and Doder renders an important service when he details how Tito still breaks those who oppose him—from his once close comrade, Milovan Djilas, to an obscure philosopher who advocates a form of Marxism that the Marshal perceives as a threat to his personal power.

Of course there’s much to be said as well for the overwhelming pull of Western materialism that has softened many of these atavistic Slavic emotions. There are the *gastarbeiters*—the guest workers—who leave their remote farming communities for the cities of Western Europe to perform the dirty jobs no one else will do, but who return to Yugoslavia bringing with them, in addition to deutsche marks, German cars and color televisions, the Western concepts of an open society that could, in the final analysis, neutralize the deeper and darker forces of Slavism.

Yet the book’s principal weakness is that Doder himself doesn’t seem to have made up his mind about these two trends—which is dominant, which on the ascendancy: Western materialism or Slavic obscurantism. Which direction will the Yugoslavs turn in the last years of the 20th century which, with Tito removed from the scene, is likely to be their first period of real confrontation with the realities of the modern world.

At one point, early on, Doder quotes a Zagreb writer: “‘Our good fortune was to have a leader who was a bon-vivant. Take Lenin, Stalin, Mao or Khrushchev. They are all austere persons who lived modestly and imposed an austere way of life on their nations. Tito has always loved to live well, he adores the over-refined European styles. . . . And he had to let others enjoy life. . . .’” The conclusion Doder then draws is that “the promise is that a large body of citizenry will develop a vested interest in the system,” the Western-oriented consumerism which is now sweeping Yugoslavia.

Yet, six chapters later, Doder suddenly emerges with a new conclusion: “The Yugoslavs’ attitude toward Russia is ambivalent. They do not hate the Russians. . . . Among the Serbs and other Orthodox population there is a measure of active sympathy for Russia, the ancient defender of the faith. . . . The Yugoslavs, in general, do not see a Russian threat in ethnic or racial terms, but in the context of reimposition of Soviet-style centralism and curtailment of the personal freedom and national independence that they have gained with Tito.”

It would appear then that the real conclusion, never drawn by Doder, is that the tendency to move *away* from the Soviets is only as skin-deep as is the tendency to move *toward* the West—a cosmetic anti-Sovietism versus a cosmetic pro-Western materialism. Perhaps, in the final analysis, if a choice ever must be made, these two will neutralize each other, leaving still untouched this “measure of active sympathy for Russia, the ancient defender of the faith.”

Obviously, much has to do with timing—with how many years will be left under the shielding, stabilizing influence of Tito for the modernizing and westernizing forces to continue their slow erosion of the deep, basic values of Yugoslav Balkan society. Doder touches briefly on the growth of “an underlying psychological malaise in the land.” He attributes this malaise to restrictions imposed by the government. But he misses the mark. The real, underlying reason is the gradual destruction of the old values with nothing comparable having yet replaced them. For this primitive people, always on the outside looking in on the mainstream of European civilization, Western values have a clear appeal—if only they can be absorbed quickly enough in a form the Yugoslavs can accept.

Nevertheless, broadly, *The Yugoslavs* fills a serious gap in our understanding of the workings of this country. Until now, all that’s come close is Dennison Rusinow’s thorough, scholarly *The Yugoslav Experiment, 1948-1974*, a professional and totally lifeless study published last year; the still marvelously literate though dated *Black Lamb and Grey Falcon* of Rebecca West, and a few of the works of Milovan Djilas, all of which present the Yugoslav people through an historical prism.

Yugoslavia has always been and always will be far more important for where it is and what it represents than for any positive contribution it’s ever

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stand its role now and in the future, we must understand the people and their motives as well. *The Yugoslavs* is at least a first step. Hopefully, there will be more contributions to follow.

David A. Andelman

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Reconsideration

The Trilogy of Josephine Herbst

Josephine Herbst never had much use for writers and journalists, which was odd, because she was both. "What was going on in the world [during the 30's] wasn't going to be decided by the literati anyhow," she said; and although a close friend to many writers, she avoided literary cliques from New York to Madrid, preferring to crouch by campfires with guerrillas and share her food with hungry children. She called this "living outside of society," but it would be hard to find anyone who, through life and work, lived a social existence higher to the hilt than she did.

She was born in 1897 in Sioux City, Iowa, to parents who had come from Pennsylvania in the late 1880s with great expectations which were dashed almost from the start. Josephine went to four different colleges, ending up at Berkeley, where she was active in radical politics. While still in college, she began to earn her way typing, teaching, and working in a print shop. By 1920 she was in New York; by 1922 she had worked in a department store, had served as a case-worker for a charity organization, a publicity writer, and an editorial reader for H.L. Mencken, who also discovered her literary talent and began publishing her stories in the *Smart Set*. She spent three years in Europe, and in 1925 married John Herrmann, one of the transition group. She also lived in Mexico, visited the Soviet Union in 1930, went to Germany to report the effect of Hitler's reich for the *New York Post* and the *Nation* in 1935. She was in Cuba during the general strike of 1935 as the first journalist to visit Realengo 18, "the first soviet America"; in Iowa for the farm strike of 1932; in Flint,

Michigan during the automobile strike of 1937, and in that same year in Spain as the only woman journalist at the front. In 1939 she went to South America. In 1942 she was discharged without warning from the German desk of the Donovan Committee in the office of the Coordinator of Information, to which she had volunteered her services—the only possible explanation being her militant anti-fascism. For many years Herbst continued to be vocal on the subject, writing until her death in 1969.

In the late 1920s, Herbst had moved to a farm in Erwinna, Pennsylvania, only about 15 miles from the Old Blue Church at Emaus, her family burial ground for a hundred years. In her autobiographical trilogy, *Pity Is Not Enough* (1933), *The Executioner Waits* (1934), and *Rope of Gold* (1939) she tells their story and her own. The novels integrate her life and art, her subject matter and her responses to it. Three extraordinary works of great beauty and great strength, they also reveal why she undertook a journey "as far Left as you can go" before the 1930s, and stuck to that route for the next 40 years.

Art, people were arguing in the 1930s, could be a form of politics. Herbst's trilogy is as much a political document as a work of art. She always believed that her work had been "revolutionary," enlisted in the ranks of books that were "vehicles for protest and engines for change." Her particular ideology hinged on history as the fountainhead of politics. History is central to her work and her trilogy, the *Bildungsroman* of an era (1870-1939) in which decades and events are as closely connected as parents to offspring. Herbst subscribed

to a generational view of history which now seems to have become a popular method of relating people and time. The sins of the fathers afflict—and influence—the lives of their children. Individualistic, Herbst still purported to speak for a whole generation. Indictments are laid not only at the door of the past but at that of the future as well. If history is propelled by progress, Herbst sees it as the progress of corruption. Her history is one of victimization. She tried to find solutions.

In *Pity Is Not Enough* begins the story of the Trexlers, a once prosperous Pennsylvania Dutch family modeled on Herbst's ancestors, and it spans the years of Reconstruction through the 1919 Seattle general strike. It is mainly about Joseph Trexler, whose deluded searching for wealth and success embroils him first in the dirty politics and railroad swindles of the Reconstruction South, then in a disastrous career, ending tragically in the Dakota gold fields. His Achilles heel is not so much greed as a naive individualism, which gets crushed in the Darwinian machinery of expanding capitalism, and lost in his attempts to conceal his humble past.

Initially that past is sacred. For Joe's sister Anne (Herbst's mother) and her daughters (Josephine and her sisters) family history is a "little island" offering shelter from present troubles. As the book draws to a close, however, the romantic past is exposed as a false trap, a place where you only find what is already dead. As the past is rejected, it becomes more real, too, because Herbst interpolates later incidents and portions of her own life and journalism. The narrowing distance between these inserts and the central plot feeds into an explosive quality building up in the trilogy. A double chronology connects fact and fiction, imagination and ideology.

Herbst's approach is akin to the rising unrest and frustration of the early 1930s. As she launches into *The Executioner Waits* (1934), emphasis shifts to the future. David, Joe's wealthy war-profiteer brother, assumes a larger role, as do the Wendells. Victoria (Josephine) works her way through college and into the bohemian scene in Greenwich Village. There she meets and marries young Jonathan Chance (John Herrmann), who is on the lam from his well-to-do, bourgeois family. They move to rural Pennsylvania and try to organize the farmers. As social and economic conditions worsen, the story reaches out to include strikers and Wobblies, farmers

and factory workers. History stands condemned as a series of "lost chances." Paying a maudlin visit to a graveyard in 1929, David Trexler is perplexed by a group of workers at a burial who say "Don't mourn. Organize!" The trilogy turns largely on this confrontation.

Time enters now as a warning; realism is prophecy's friend. An intense hope for radical tomorrows washes over into *Rope of Gold* (1939)—only to be diluted by affairs public and personal, by a clash, in fact, between the two: the Chances' estrangement and separation; Jonathan joins the Communist Party (the first decision he makes without his wife); Victoria travels to the Midwest and to Cuba to report on economic conditions and politics; union organizers, evil industrialists, and confused New Dealers enter the plot.

But even as the different points of conflict reach their highest pitch, as cooperative protest nears victory, and mass movements seem the wave of the future, there is a latent loss of direction, a tentativeness grounded in the realization that America's future is starting to resemble Nazi Germany more than Soviet Russia, and that "Armageddon" may be at hand. A suspicion surfaces that public movements and group solidarity are poor solutions to personal problems, and shoddy excuses for avoiding individual responsibility. In *The Executioner Waits* Herbst had stressed that, for the first time in American history, farmers were banding together, and she compared agrarian rebels on a highway nicknamed "Bunker Hill 20" with their forefathers in the Revolution. In *Rope of Gold*, however, attention is focused not on the novelty of their acts but on the historical reference. The burden of proof is placed on finding a balanced relationship between the individual and history as the only means of achieving real change.

Beginning in the 1930s and gaining momentum as the decade wore on, Herbst's work seems to undergo a shift—not a reversal—from formalist concerns to ideology and politics. The ideology is a Marxism of a personal kind; the politics those of involvement in radical action through intense documentary (sometimes propagandistic) journalism. Her literary activism seems more concerned with the outcome of causes than with causes themselves. The artistic ferment of the 1920s had whirled her away into stylistic innovations, avant-garde experiments with language. Her fiction had dealt in the required manner with the emptiness and

ennui of desiccated lives, with unromantic romance. In *Pity Is Not Enough* the role of history and family saga owes more to psychology and esthetics than to ideological intent. Only gradually does it slip into the Marxist and socio-economic cast Herbst decided to give her trilogy, and sheds much of its fancy artistry along the way. *The Executioner Waits*, with its exhortatory ending and its title borrowed from *The Communist Manifesto*, goes a step further. In *Rope of Gold* politics take the spotlight completely. A family's history is made to mesh with world history. The trilogy expands outward in space and time.

Because Herbst's political consciousness evolved steadily and deliberately, her integration of the personal and the public is graceful as well as effective. In order to use people and events for political ends, relationships between people are slowly transformed into those between events themselves, and people respond to history and politics rather than to one another. The Trexler family's decline represents the disintegration of the middle class, but by turning misfortune on its head Herbst translates decline into progress. The breakdown of the bourgeoisie means emergence of a revolutionary class: her sad little story is supposed to affirm as well as deny.

The bleak fatalism of the trilogy's early phases becomes the inevitability of Marxist dialectics. Herbst reaches a balance between collapse and revolution by creatively combining style and theory, content and form. Like the photography of the time, her trilogy is a documentary expression of the immediacy of experience, an unblinking confrontation with the real. And like contemporary mural painting, it is epic in scope; political democracy is described by a work of art which is itself a "collective" novel. An internal dialectics gives it shape, polarities arising out of the paradoxical conception of history as a series of failures, out of the uncomfortable relationship between things formerly compatible and out of a strategy of ironic inversions. There are contrasts between city and country, for instance. "Victoria," moving full cycle, returns to the Pennsylvania farmlands of her ancestors. Herbst, otherwise opposed to most forms of religion, here engages in her own kind of worship, a religion of the land. It bespeaks radicalism in the literal sense, a concern for physical and psychological roots. Revolution and conservatism could be reconciled.

The idea of historical continuity runs through the trilogy, a nagging suspicion that belies all ideological attempts to break with the past or deny temporal cycles. It throws into doubt Herbst's presumed similarity to the intellectuals and writers with whom she is usually grouped, those for whom radicalism was a one-night stand. She was acutely conscious, for instance, of how intellectuals in her sphere merely transformed the revolution in language and sexual mores of the 1920s into the social revolution of the 1930s. The trilogy remains attuned to language and style. On occasion it lapses into political rhetoric—lapses, it seems, because these intrusions are intentional.

Herbst's work flaunts this ambiguity because, unlike most people of the time, she saw and was not afraid to face the weaknesses and contradictions inherent in certain actions, political beliefs, and ideologies. She sympathizes with Jonathan's agonized rejection of his background, for example, while at the same time recognizing that his passionate attachment to communism is merely a substitute for his family. Nor does she spare herself: group solidarity doesn't obviate for "Victoria" the loneliness of losing her husband. Herbst could admit these things, because, like Victoria, she was a rebel from childhood and her participation in communal endeavors was no mere compensation for former alienation or affluence. She understood the essential tragedy in the closeness of opposites, the fact that the class war outlined in her trilogy was a civil war, pitting brother against brother, husband against wife. The trilogy is autobiographical: the re-definition of American life as self-definition.

Josephine Herbst became disaffected with Marxism at the end of the 1930s and at the end of her trilogy, not because it dominated human life, but because that domination could never be complete. Her dialectics? Opposition between the forces of light and those of darkness, between good and evil. The battles she reported were moral ones, tied not to ephemeral ideological issues but to the fate of humanity. A manuscript note for her trilogy reads: "The center of young Marx's reflections was neither economy nor social morality, but man."

Celia Betsky

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THE NEW REPUBLIC
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Jimmy Carter apparently likes being president, the glory of it and all that, but evidently he is not comfortable in his presidency. In Washington, it turns out, the burdens are greater, the problems more intractable than those he encountered as governor of Georgia, where his maneuvers seemed more sophisticated among the political primitives than they do here. His reluctance—despite the rhetoric—to buck the big interests also goes back to his Georgia days, though the interests weren't as big then, mostly just friends or clients of friends: Charlie Kirbo and his clients, Bert Lance and one Richard Kattel, another sleazy financial operator, profiled in a recent *Fortune* and, it is said, an early choice for secretary of the Treasury before Carter alighted on Mike Blumenthal in the timeworn belief that those who become top corporate executives are also destined to govern. But Carter's nostalgia seems to be less for the old days in Georgia than for the old days on the campaign trail. It'll be an easier job, particularly now that he's brought back Gerald Rafshoon to do his p.r. (on the public payroll). Rafshoon has put his p.r. firm into a trust—one of those clever devices that the folks at Common Cause think keeps government honest. The president is already deep into the campaign fray and none too early given the actual record his administration has compiled. He's been pressing flesh, throwing kisses, and has revived what FDR used to call "the God stuff."

The problem with the Carter administration is not Zbigniew Brzezinski, but Jimmy Carter: he is afraid of a genuine debate about public policy. It's precisely because he so desperately wants to have a disciplined show of unity behind his leadership that his underlings have taken to leaking and sniping as the only way to get their differing positions across among the *demos*. Carter, it appears, doesn't even like dissent *in camera*; perhaps he believes that the force of his rectitude should bring his cadres together behind what is at once wise policy and good politics. I suspect that a person so allergic to diversity of opinion among his advisors

is not a great agonist in his own mind or heart either. A closed system this, all around. Why the president should feel so threatened by disagreement is less for the political scientists to ponder than for the psychologists. But that's how it is. The press smells this fear of dissension, and knows this is a way to draw blood. The result is scapegoats: in foreign policy, first Andy Young, then—after the briefest ascendancy in memory—Zbig. If anybody deserves to be a scapegoat it is Zbig, not because he's tough on the Russians (as Senator McGovern, who probably could not see a fundamental American interest threatened anywhere, has been arguing) but because he was supposed to bring a long-range historical perspective and not mere improvisations of policy vaguely related to his raw prejudices. So he hates the Russians; by itself that's not much of an accomplishment. And if he does hate the Russians so much that he's willing to scotch a SALT agreement to prove it, how come he saw enough common interest with them to try putting the Israelis into what could quickly become a Soviet sphere of influence? Dr. Brzezinski, brittle rationalist intelligence though his may be, is an enigma. But the really dangerous enigma is Jimmy Carter, who is more eager to appear decisive than to appear thoughtful about his decisions.

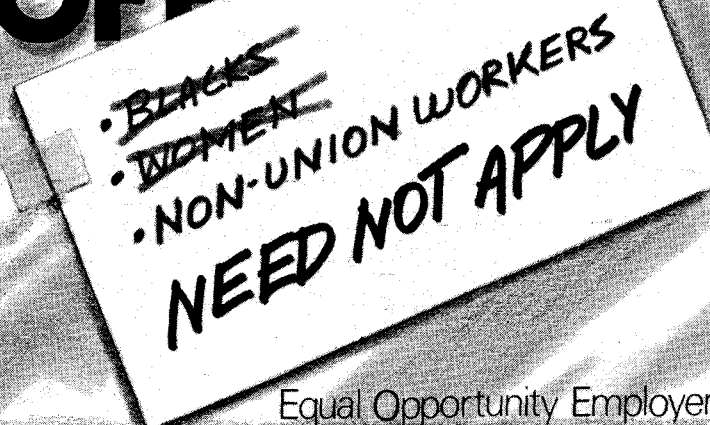
Anyone who draws Comrade Brezhnev's ire as Zbig does can't be all bad, I tell myself. And it's not only the Russians whom he's vexing. He's also vexing what's left of who's left elsewhere. I know a genial old Stalinist (the you-can't-make-an-omelette-without-breaking-eggs variety) who, in a long life, has prayed successively toward Moscow, Havana and Hanoi without missing a beat and all out of fealty to the anti-imperialist struggle. In recent years worshippers like him have slouched toward Peking to be reborn. Their Sinopiety somehow survived Nixon's courting of Chairman Mao. But Brzezinski's plan to arm the Red People's Army, to make it the eastern flank of the Atlantic alliance, is something my aging friend—who, like all of his contemporaries in what they still call the

"progressive movement," has accommodated himself to a lot—simply can't deal with. On balance, this is also no great achievement for Zbig, but he has caused the left dogmatics to puzzle, and that's at least worthy of note.

I am one of those political quixotics who believe boycotts of particular countries may be apt, if inadequate, responses to injustice. I would not go to Greece while the junta ruled; I did not attend a single performance by any Russian ballet company while Galina and Valery Panov struggled to leave the Soviet Union for Israel. I still cannot bring myself to go to Germany, and even a two-hour stopover at the airport in Frankfurt gives me the creeps. My decisions in these situations are arbitrary (my wife thinks them capricious) and they are surely not morally consistent. I went to see the National Ballet of Cuba, first at Washington's Kennedy Center and then at the Met in New York, talking myself into suppressing my feelings about the thousands of political prisoners in Cuba today, nearly 20 years after the revolution. A no-nonsense friend who joined me at one of the performances put me down sharply: "Art is art, politics is politics. Give your conscience a rest." It's not so easy. What is especially interesting about the Cuban ballet, however, is that it has withstood Soviet influences. One of its formative figures was a Soviet exile, Mikhail Fokine, and his stamp is still evident. A creation of Alicia Alonso, who at 56 still dances a breathtaking *Giselle*, the company is very much a Western ensemble with exquisite dances, some drawing on Latin American sources, others based in the classic tradition and still others, like Lorca's *The House of Bernarda Alba*, as contemporary as anything choreographed in America today. But Cuba is also a part of the puritan tyranny of the Communist world, with the added vengeance of Latin machismo. Fidel conducts periodic pogroms against homosexuals, and they are not allowed to dance. As always with such bigotry, this undoubtedly does the Cuban ballet more harm than it does the Cuban gays.

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